

# **EXHIBIT 3**



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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

KEVIN W. HOOG and REBECCA HOOG,

Plaintiffs,

vs.

Case No. CIV-20-00272-JD

DOMETIC CORPORATION, a DELAWARE  
CORPORATION,

Defendant.

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**VIDEOCONFERENCE DEPOSITION OF**

**WALTER OLIVEAUX**

**TAKEN ON  
FRIDAY, SEPTEMBER 16, 2022  
9:05 A.M.**

**201 LAFAYETTE STREET  
BATON ROUGE, LOUISIANA 70801**

<p style="text-align: right;">26</p> <p>1 worked numerous cases with those. I have greater  2 knowledge, I think, than most people about how they  3 work, how -- what happens to them when various  4 outside forces are applied to them. So, do I have a  5 better knowledge than most? Yes, I do, which would  6 make an expert in those particular boilers.  7 Q. So you're talking about you -- you would  8 consider yourself an expert in -- in RV  9 refrigerator, gas absorption refrigerator, boiler  10 failure?  11 A. I understand the various mechanisms that  12 we see on a regular basis that occur related to  13 those refrigerator cooling units. Yes.  14 Q. Well, in regard to seeing boiler failures  15 in RV refrigerators, other than that -- for example,  16 you understand that Mr. Keifer at AEGI has a  17 background in boiler design through the Naval  18 Academy?  19 A. Yes.  20 Q. And that he's a professional engineer?  21 A. Yes.  22 Q. And he has a extensive hands-on experience  23 in all aspects of boiler design failure through  24 working, serving on warships in the Navy?  25 MR. YAMAGUCHI: Object to the form.</p>	<p style="text-align: right;">28</p> <p>1 refrigerator's failure or non-failure. It would be  2 for Dr. Baron. He's the one that's doing that part  3 of this.  4 Q. Okay. So you are not -- well, you're not  5 holding yourself out in this case as an expert in  6 boilers or boiler failure, correct?  7 A. My expertise is in the modality that  8 would've caused the things that Mr. Keifer and Dr.  9 Baron would be discussing. In other words, I'm  10 explaining the process of how it got to that point  11 in some regards, as to the environment that it was  12 in, what its effect was on the refrigerator.  13 Q. Okay. Well, I'm just trying to understand  14 the parameters of your expert opinions in this case.  15 Are you offering opinions as an expert on the issue  16 of boiler failure in this case?  17 MR. YAMAGUCHI: I'm going to object to the  18 form. Failure is vague and ambiguous.  19 You can answer.  20 BY MR. BEARD:  21 Q. Mr. Oliveaux, do you understand what I  22 mean?  23 A. Will you repeat your question?  24 Q. Sure. Are you offering -- are you holding  25 yourself out as an expert in this case and offering</p>
<p style="text-align: right;">27</p> <p>1 BY MR. BEARD:  2 Q. You're aware of that?  3 A. What's that?  4 Q. You're aware of that?  5 A. I'm aware of Mr. Keifer's background.  6 Yes.  7 Q. Okay. And -- and you would consider Mr.  8 Keifer because of that training and education and  9 experience to be an expert in boiler design, boiler  10 failure, correct?  11 A. I believe Mr. Keifer has a book of  12 knowledge that makes him an expert in boilers,  13 including the refrigerators.  14 Q. Do you have any kind of similar training,  15 education as Mr. Keifer in the issue of boilers --  16 boiler design, boiler failure?  17 A. No.  18 Q. Are you planning on offering any opinions  19 in this case in the area of boiler design?  20 A. No.  21 Q. Are you planning on offering any opinions  22 in this case on the -- on the issue of boiler  23 failure?  24 A. I have -- I don't know that I have a -- an  25 opinion about -- any -- any opinion about the</p>	<p style="text-align: right;">29</p> <p>1 opinions on the issue of boiler failure?  2 MR. YAMAGUCHI: Same objection.  3 THE DEPONENT: I believe that some of the  4 opinions that I have are related to the causation of  5 a -- a breach being created, which is the crux of  6 the -- of -- of your claim is that it failed. And  7 my opinions are related to the environmental  8 conditions that would cause those failures.  9 BY MR. BEARD:  10 Q. And what experience, training, or  11 expertise do you have to support those opinions on  12 the conditions for boiler failure?  13 A. One, my --  14 Q. What are you relying on?  15 A. One, my work experience. I've completed  16 numerous examinations of these and worked numerous  17 fires where they were in the -- the focus of the  18 investigation, whether warranted or not. So I  19 believe that I have a greater knowledge as to the  20 effects that the fire has than Mr. Keifer may have.  21 But in terms of what that failure was, or  22 type of failure, that's Mr. Keifer's and -- and Dr.  23 Baron's realm. But the information that I give --  24 that I can give to the -- the other experts working  25 for me, that is part of the process. So, yes, I</p>

<p style="text-align: right;">30</p> <p>1 believe that I am an expert in that aspect of it.</p> <p>2 Q. So the aspect that -- that you are talking</p> <p>3 about is -- is the effect of fire on a -- well, on a</p> <p>4 gas absorption refrigerator cooling unit?</p> <p>5 A. Not just fire, is the environment that</p> <p>6 that refrigerator is subjected to. It's the human</p> <p>7 factors. It is the environment. It's the location</p> <p>8 where you use it. It's whether you follow directions</p> <p>9 on how you're supposed to set your RV up.</p> <p>10 There's a -- there's a whole group of</p> <p>11 things that will cause failures in a refrigerator</p> <p>12 that are all driven by human factors and their use</p> <p>13 of that device.</p> <p>14 Q. Okay. But what I'm -- I'm trying to</p> <p>15 understand is are you -- are you offering opinions</p> <p>16 in this case on the actual failure modality of the</p> <p>17 boiler itself?</p> <p>18 MR. YAMAGUCHI: Objection to the form.</p> <p>19 THE DEPONENT: I've already answered that,</p> <p>20 counsel, that that's Dr. Baron's part of this</p> <p>21 investigation.</p> <p>22 BY MR. BEARD:</p> <p>23 Q. Okay. So you're not going to offer any</p> <p>24 opinions yourself on that issue?</p> <p>25 A. No.</p>	<p style="text-align: right;">32</p> <p>1 opinions that you have in the case?</p> <p>2 A. I believe so.</p> <p>3 Q. All right. Now, this is not the first</p> <p>4 fire inspection -- the -- the Hoog case is not the</p> <p>5 first fire inspection that you've conducted for</p> <p>6 Dometic. Is that correct?</p> <p>7 A. That's correct.</p> <p>8 Q. How many fire cases have you investigated</p> <p>9 for Dometic involving their gas absorption</p> <p>10 refrigerators?</p> <p>11 A. I'm not sure of an exact number.</p> <p>12 Q. When did you first start investigating --</p> <p>13 well, strike that. When were you first retained by</p> <p>14 Dometic to investigate a fire, potentially,</p> <p>15 involving a Dometic-branded gas absorption</p> <p>16 refrigerator?</p> <p>17 A. Sometime in the mid-2000s. Like somewhere</p> <p>18 around '06 or a little -- a little after that. I</p> <p>19 don't remember the exact date. I did a couple early</p> <p>20 on. And then later on they started giving me more</p> <p>21 of them.</p> <p>22 Q. Okay. Do you see the screen?</p> <p>23 A. Yes.</p> <p>24 Q. All right. I want to show you what has</p> <p>25 been produced in this case as a access spreadsheet</p>
<p style="text-align: right;">31</p> <p>1 Q. There we go. Now, I'm getting the hang of</p> <p>2 it. All right. Mr. Oliveaux, do you see the screen?</p> <p>3 A. I do.</p> <p>4 Q. All right. And I put a document on the</p> <p>5 screen, which for the record is SOS Investigations'</p> <p>6 investigation report prepared for Keith Yamaguchi,</p> <p>7 plaintiffs Kevin Hoog and Rebecca Hoog. Do you</p> <p>8 recognize this document?</p> <p>9 A. Yes.</p> <p>10 Q. We'll mark it as Exhibit 3.</p> <p>11 (Whereupon, Exhibit 3 was marked for</p> <p>12 identification.)</p> <p>13 BY MR. BEARD:</p> <p>14 Q. I'll scroll down here so that we can see</p> <p>15 that it's the complete document. Well, I ask you to</p> <p>16 confirm that this is the complete report. 58 pages.</p> <p>17 A. There -- that is the -- that is the</p> <p>18 written report. And then those attachments that are</p> <p>19 the last thing that you have on there should be also</p> <p>20 in PowerPoint presentations that go with it or</p> <p>21 attachments that go with it.</p> <p>22 Q. Okay. Now, does this report include all</p> <p>23 the opinions in this case that you have?</p> <p>24 A. I believe so.</p> <p>25 Q. And does it include all the basis for the</p>	<p style="text-align: right;">33</p> <p>1 and for identification it's Dometic_Hoog 007619.</p> <p>2 And it's also Exhibit 90 on plaintiffs' exhibit list</p> <p>3 in this case.</p> <p>4 And in prior depositions, I've asked you</p> <p>5 whether or not you've ever seen Dometic's fire log</p> <p>6 involving their gas absorption refrigerators,</p> <p>7 correct?</p> <p>8 A. You've asked me that before. Yes.</p> <p>9 Q. And in -- in fire testimony you've stated</p> <p>10 that you've never seen the document, is that</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. And so between the last deposition that we</p> <p>14 had and now, have you ever seen the -- the access</p> <p>15 database from Dometic?</p> <p>16 A. I've never seen the access database.</p> <p>17 Q. Have you ever asked Dometic to -- during</p> <p>18 the entire time that you've been doing these</p> <p>19 investigations, have you ever asked Dometic to see</p> <p>20 their log of fire claims involving their gas</p> <p>21 absorption refrigerators?</p> <p>22 A. No.</p> <p>23 Q. Would it have been important to you as a</p> <p>24 fire origin and cause investigator to know whether</p> <p>25 these refrigerators, you know, were catching on fire</p>

<p style="text-align: right;">34</p> <p>1 all the time, sometime? Would that be important to 2 you all?</p> <p>3 A. Each event is unique. So we handle each 4 event as a unique event. History can help you with 5 some things, but it doesn't necessarily mean that it 6 is accurate to the event that you are currently 7 working on.</p> <p>8 Q. But it's a data point that would inform 9 your opinions or inform your -- at least your 10 investigation, wouldn't it?</p> <p>11 A. Repeat that.</p> <p>12 Q. The history of a particular report, in 13 this case the Dometic gas absorption refrigerator, 14 would be a data point that would help inform your 15 investigation as a fire investigator, wouldn't it?</p> <p>16 MR. YAMAGUCHI: Objection to the form.</p> <p>17 THE DEPONENT: Every fire that I work is 18 -- provides data to me about different events and 19 things like that. So every one of the fires that 20 I've done for Dometic or whoever is data that's 21 stored in this thing.</p> <p>22 And it's -- the -- the fact that they have 23 a list of claims that -- of events doesn't mean that 24 every one of those was causal as to the refrigerator 25 or it doesn't identify whether the -- you know, I've</p>	<p style="text-align: right;">36</p> <p>1 And if that turned out to be the 2 refrigerator or turned out to be that cruise control 3 switch or whatever, you still had to find the human 4 factors that are involved.</p> <p>5 BY MR. BEARD:</p> <p>6 Q. Okay. I'd like to just walk through this 7 spreadsheet.</p> <p>8 MR. YAMAGUCHI: I'm going to just object. 9 I'm not going to allow the witness to answer any 10 questions on this line of questioning regarding the 11 spreadsheet. He has not seen it. He's neither 12 relied on it or considered it for his report. So 13 this line of questioning is completely outside of 14 the purpose of his deposition today.</p> <p>15 MR. BEARD: Okay. Well, I'm going to 16 proceed anyway.</p> <p>17 BY MR. BEARD:</p> <p>18 Q. With regard to the -- the document, I just 19 want to walk through here. We'll go to the BC 20 partners June 2005 and there is a list of 1,188 fire 21 claims. Do you see that, Mr. Oliveaux?</p> <p>22 A. I see the number down at the bottom, yes.</p> <p>23 Q. Okay. And then in -- in all the work that 24 you've done with Dometic, you're familiar with how 25 they code various products that they -- that they</p>
<p style="text-align: right;">35</p> <p>1 never seen it.</p> <p>2 I don't know what else in it, but if I go 3 back and use that document, then there could be a 4 bias created there. So I avoid those kind of 5 things. I've -- I've done probably 300 Ford cruise 6 control deactivation switches.</p> <p>7 They -- they were great for business. 8 Ford blower motors, great for business for a period 9 of time. If I use that and I go to a Ford case and 10 I use that, "Okay, well, I've worked 299 of these, 11 so this third -- this 300th one it's got to be the 12 same thing." That's a bias just like looking up 13 recalls before you go.</p> <p>14 You shouldn't look up a recall before you 15 go. You got to be a blank slate. You got to go look 16 at each one of these events, individually, and 17 uniquely, because that's what they are. None of 18 them burn the same.</p> <p>19 None of -- you know, none of those cruise 20 control switches were the same. None of the 21 refrigerator cases are the same. They're all unique 22 because you have human factors in there. And you 23 have to figure out the human factors and then what 24 their impact is on the device that you're looking at 25 or considering that failed.</p>	<p style="text-align: right;">37</p> <p>1 manufacture as far as keeping track of claims?</p> <p>2 MR. YAMAGUCHI: Objection to the form.</p> <p>3 And to the extent you're asking him about 4 coding with this document, I'm going to instruct him 5 not to answer the question.</p> <p>6 MR. BEARD: Okay.</p> <p>7 MR. YAMAGUCHI: Is that your question, 8 counsel?</p> <p>9 MR. BEARD: Well, I'm just asking whether 10 he's familiar with the way Dometic codes these -- 11 codes their various products.</p> <p>12 MR. YAMAGUCHI: You can answer that 13 question separate and apart from whatever document 14 is on the screen.</p> <p>15 THE DEPONENT: I have no information about 16 how they code that, how they create that document 17 that you have on the screen. It's not my purview.</p> <p>18 BY MR. BEARD:</p> <p>19 Q. Well, I'll represent to you that -- that 20 Dometic codes their refrigerators as a D. So in 21 this spreadsheet, if you select for D you get 1,026 22 entries in the spreadsheet.</p> <p>23 And then if you go over here in the 24 spreadsheet to -- goes on for a while. Inspection 25 firm, do you see that field?</p>

<p style="text-align: right;">38</p> <p>1 A. Yes.</p> <p>2 Q. And underneath inspection firm, there's a</p> <p>3 number of organizations. Do you recognize those</p> <p>4 organizations?</p> <p>5 A. I do.</p> <p>6 Q. And Pyrtech that's Mr. Coggins, for</p> <p>7 example?</p> <p>8 A. No.</p> <p>9 Q. Well, Mr. Coggins used to work for</p> <p>10 Pyrtech, correct?</p> <p>11 A. Correct. It was Keith, I can't remember</p> <p>12 his last name now.</p> <p>13 Q. Richards.</p> <p>14 A. No. Like -- no, it was something else,</p> <p>15 Keith --</p> <p>16 MR. YAMAGUCHI: Just wait for a question.</p> <p>17 THE DEPONENT: Doesn't matter. Yeah.</p> <p>18 BY MR. BEARD:</p> <p>19 Q. And CJB Fire Consultant that's Mr. Bloom?</p> <p>20 A. Yes.</p> <p>21 Q. And Tri-Fire Consultants, Inc. that's Mr.</p> <p>22 May?</p> <p>23 A. Yes.</p> <p>24 Q. And these are all fire investigators that</p> <p>25 are routinely hired by Dometic?</p>	<p style="text-align: right;">40</p> <p>1 characterizing the information on this document</p> <p>2 accurately. And so if you want to ask him questions</p> <p>3 without referring to this document, that's fine, but</p> <p>4 I'm not going to allow him to answer questions that</p> <p>5 are based on this document for the reasons I've</p> <p>6 stated before.</p> <p>7 BY MR. BEARD:</p> <p>8 Q. Well, Mr. Oliveaux, you previously stated</p> <p>9 that you -- in regard to the number of fire</p> <p>10 investigations done for Dometic that you didn't have</p> <p>11 any firm fix. So does this -- looking at this</p> <p>12 document and the 190 entries on this document, does</p> <p>13 that refresh your recollection that as to the number</p> <p>14 of fire investigations you've done for Dometic</p> <p>15 between 2008 and 2018?</p> <p>16 A. Does it -- I -- I see what the document</p> <p>17 says. I didn't prepare the document. I don't know</p> <p>18 what the document entails, whether that is every</p> <p>19 fire that's just refrigerator fires, I don't know</p> <p>20 that. So the -- does it help me remember any</p> <p>21 specific one? No, it does not.</p> <p>22 Q. In regard to the work that you've done for</p> <p>23 Dometic, the fire investigations you've done for</p> <p>24 Dometic, do you bill Dometic hourly?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">39</p> <p>1 A. At some point in time, yes.</p> <p>2 Q. Okay. And then if we look on the list,</p> <p>3 there's SOS Investigations as well.</p> <p>4 A. Yes.</p> <p>5 Q. And if we select SOS Investigations, what</p> <p>6 we end up with is 190 separate fire claim</p> <p>7 investigations conducted by SOS Investigations. Do</p> <p>8 you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Does that -- does that sound about right?</p> <p>11 Well, this chart runs from October of '08 through</p> <p>12 August of '18. So does that sound about right that</p> <p>13 you've done 190 different fire investigations for</p> <p>14 Dometic, hired by Dometic?</p> <p>15 MR. YAMAGUCHI: I object to the form of</p> <p>16 the question. To the extent you want to ask him</p> <p>17 questions about what he's worked for with Dometic</p> <p>18 without referring to this document, I'll allow him</p> <p>19 to answer those questions.</p> <p>20 But to the extent you're asking him to</p> <p>21 answer questions and using this document to form the</p> <p>22 basis or to help him recall his recollection, I'm</p> <p>23 going to object and instruct him not to answer</p> <p>24 because he's never seen this document.</p> <p>25 And he doesn't know if you are</p>	<p style="text-align: right;">41</p> <p>1 Q. And you keep records and notes and files</p> <p>2 on -- on each one of those inspections for Dometic?</p> <p>3 A. I have records of -- I -- I keep them for</p> <p>4 five years unless I'm told to close it. And if --</p> <p>5 and it's gone away, if I'm told that, then we may</p> <p>6 purge it just to save space.</p> <p>7 Q. Okay. But with regard -- and with regard</p> <p>8 to -- to each fire investigation that you've done</p> <p>9 that, actually, where there was a claim filed that</p> <p>10 was being pursued, in each one of those cases did</p> <p>11 you do a formal report?</p> <p>12 A. No.</p> <p>13 Q. Did you do some kind of -- some kind of</p> <p>14 report formal or otherwise where a claim was being</p> <p>15 pursued by somebody claiming that a Dometic gas</p> <p>16 absorption refrigerator caused a fire and caused</p> <p>17 damages?</p> <p>18 A. I did not always prepare a written report.</p> <p>19 On occasions, I provided verbal reports, mostly on</p> <p>20 -- almost on every one of them. A verbal report was</p> <p>21 provided and then it was a discussion on whether or</p> <p>22 not a written report was needed.</p> <p>23 Q. And in regard to the verbal report that</p> <p>24 was -- was that a procedure or a protocol that was</p> <p>25 established by Dometic?</p>

<p style="text-align: right;">42</p> <p>1 A. That is my standard procedure on any fire  2 when I'm working for a client that at the end of the  3 day, I call and give them a report as to the status  4 of the investigation. And if we have either a  5 working hypothesis or hypotheses, if we have other  6 things that need to be done and we need to involve  7 other experts, so I have that conversation with  8 whether it's an adjuster or a lawyer or whoever I'm  9 working for. That's the normal initial report is  10 verbal.  11 Q. All right. And -- and then you prepare a  12 written report if requested by Dometic? I'm talking  13 about in your work for Dometic.  14 A. It -- it is the same with everybody. I  15 will prepare a written report if they ask for a  16 written report. If they take -- if they say they  17 don't want one, then I make a note that they didn't  18 ask for a report.  19 I don't always put the note in, but if  20 they -- I have a little way of keeping up with what  21 I've got to write. And if they don't go on the  22 list, they don't get a report unless they call and  23 ask for one.  24 Q. Okay. And with regard to all the reports  25 that you have prepared for Dometic, to the extent</p>	<p style="text-align: right;">44</p> <p>1 MR. YAMAGUCHI: Before we --  2 MR. BEARD: There we go. Oh, by the way,  3 I -- if I didn't -- if I didn't say, I'm going to  4 mark the access spreadsheet as Exhibit 4 to the  5 deposition.  6 (Whereupon, Exhibit 4 was marked for  7 identification.)  8 THE REPORTER: Okay.  9 MR. YAMAGUCHI: But before we go forward,  10 just for the record, so the record's clear about  11 what you've marked as Exhibit 4, the access  12 database. Counsel, you are aware that is designated  13 as confidential, correct?  14 MR. BEARD: Counsel, every document I  15 think you've provided in this case has been  16 designated confidential.  17 MR. YAMAGUCHI: Is the answer to my  18 question you're aware that Exhibit 4 is designated  19 confidential, correct?  20 MR. BEARD: Sure. You marked it  21 confidential.  22 MR. YAMAGUCHI: Okay. So, for the record,  23 that exhibit is designated confidential subject to  24 protective order, as well as any testimony regarding  25 that document during the deposition today.</p>
<p style="text-align: right;">43</p> <p>1 they haven't been purged already, you have  2 possession custody and control of those reports and  3 -- and -- and supporting material at your business,  4 correct?  5 A. They're -- if they haven't been -- like I  6 said, if they tell me that it's closed, it's gone  7 away, and there's no action going to be taken on it,  8 we do not keep those at all.  9 Because like some of them we find out that  10 the RV's been discarded. There's no more evidence.  11 That happens on a regular basis. Or we go to a  12 claim and it's not a Dometic refrigerator, it's a  13 Norcold refrigerator. So that one -- you know,  14 there's -- it's just closed.  15 And sometimes I forget to delete it but it  16 -- you know, if it's -- if there's no action taken  17 in it other than call and set it up or showing up  18 and it's somebody else's product, there's really not  19 much done with that. And I usually get rid of it.  20 Q. Okay.  21 MR. YAMAGUCHI: Counsel, we've been going  22 about an hour. Would you be okay with a five-minute  23 break?  24 MR. BEARD: Sure. Hold on a second, let  25 me --</p>	<p style="text-align: right;">45</p> <p>1 And in addition, before we break, and also  2 I just want to make sure it's clear on the record  3 that on -- on August 30th, 10:15 P.M. Chicago time  4 we did send you Mr. Oliveaux's file -- expert file.  5 It was provided to you in two links. And  6 so I -- I would ask that you take a look at that  7 because all the information regarding his report and  8 his expert file were provided on that date.  9 MR. BEARD: Okay.  10 MR. YAMAGUCHI: Okay. We can take a  11 break.  12 THE VIDEOGRAPHER: Okay. All right.  13 Please stand by. The time is 10:03 A.M. and we are  14 off the record.  15 (Whereupon, a recess was taken.)  16 THE VIDEOGRAPHER: We're on the record.  17 The time is 10:12 A.M.  18 You may now proceed.  19 MR. BEARD: Thank you.  20 BY MR. BEARD:  21 Q. All right, Mr. Oliveaux, did you ever ask  22 to see the -- the Dometic access database of fire  23 claims?  24 MR. YAMAGUCHI: Object to the form. Asked  25 and answered.</p>

<p style="text-align: right;">78</p> <p>1 Q. In regard to the pressure test, did the 2 refrigerator show a leak? 3 A. I don't recall. 4 Q. And what lab were you in? 5 A. I don't recall where we were at. 6 Q. Was it AEGI? 7 A. No. 8 Q. Was it Ms. Buck's lab in Michigan? 9 A. No. It wasn't a materials lab. We were 10 just in somebody's back room that they called a lab. 11 I don't remember where it was at. 12 Q. Okay. And approximately when did that 13 happen? 14 A. Mid to late 2021. 15 Q. Any other instances where you worked with 16 Ms. Buck on a refrigerator fire investigation? 17 A. I don't see her very often, so I can't 18 give you a number. I know those two is the ones 19 that stick in my head, but I mean, I've been around 20 Dr. Buck multiple times, but some of those were like 21 events or things like that. 22 Q. Okay. Okay. Hold on a second. I 23 apologize. Bear with me. I'm -- 24 A. I use the term technically challenged when 25 it happens to me.</p>	<p style="text-align: right;">80</p> <p>1 A. I received an assignment from -- I'd have 2 to look -- I think it was Ben White. It's in the 3 report, I believe. It may have been somebody, one 4 of the other people that was handling claims, but I 5 -- best recollection it's Ben White. 6 Q. And what did Mr. White -- well, is that 7 the normal way that you get assignments from 8 Dometic? 9 MR. YAMAGUCHI: Objection to the form. 10 THE DEPONENT: I get either e-mails or 11 telephone calls or a combination of the two 12 depending on a few things, I guess, on their end or 13 whether they just call and ask or if they just send 14 it. Yeah, that's the normal process. 15 BY MR. BEARD: 16 Q. And what, if anything, did Mr. White tell 17 you about the -- about the claim? 18 A. It's basically a summary of what -- 19 whoever put Dometic on notice. It would be that 20 typed out in e-mail or something like that. 21 And they would provide me with normally 22 product information as to what Dometic product is 23 present or is -- or being accused of causing an 24 event. I get information on the RV, the location of 25 the loss, the owner's names, anything like that.</p>
<p style="text-align: right;">79</p> <p>1 Q. No kidding. It's the downside of doing 2 this by Zoom. 3 A. Yup. 4 Q. All right, let me try again. How about 5 that? Did that work? 6 A. All we see is your list of documents. 7 Q. Okay. 8 A. Depo exhibits. 9 Q. Okay. 10 MR. YAMAGUCHI: Terry, it's been another 11 hour. Do you want to just take five so you can kind 12 of figure out -- 13 MR. BEARD: How about that? 14 MR. YAMAGUCHI: Okay. We got it. 15 MR. BEARD: There you go. All right. I 16 keep forgetting how to do it. 17 BY MR. BEARD: 18 Q. Anyway, going back to your report that's 19 been marked as Exhibit 3, I'd like to switch gears 20 here a little bit and talk about your investigation 21 of the Hoog fire. 22 Now, when did you first get contacted with 23 regard -- well, let me back up. 24 How did you first become aware of the Hoog 25 fire?</p>	<p style="text-align: right;">81</p> <p>1 So, I want to know where I'm going. 2 Sometimes I get the other investigators' names, 3 we'll coordinate exams that way. 4 Q. Okay. And so as you went on to do, 5 whatever, the scene exam, I think the initial scene 6 exam was June 15th, 2018? 7 A. If you scroll up on the report, it'll tell 8 us, but yeah, I think you're right, somewhere up in 9 there. 10 Q. Okay. And then there were two further 11 exams that you conducted with Mr. Perryman on the 12 24th and 25th of July 2018? 13 A. Yes. 14 Q. All right. 15 A. There -- there was more than just me and 16 Mr. Perryman, but yes, we had another exam. 17 Q. Okay. I'd like to turn to -- just to sort 18 of get into the -- the report, I'd like to turn to 19 page 36. Okay. Your perception on determination of 20 area of fire origin. Do you see that? 21 A. Yes. 22 Q. And I'll just read this into the record, 23 "The examination of the building, the electrical 24 system of the building, and the contents of the 25 building all indicated the fire originated on the</p>

<p style="text-align: right;">82</p> <p>1 north end of the building in lumber being stored on  2 the concrete next to the electrical service entrance  3 just east of the east rollup door.  4 The fire then spread into the building via  5 the path of the electrical conductors. The fire  6 then involved the insulation on the electrical  7 wiring and the electrical distribution panel before  8 exiting the panel to involve other fuel loads  9 associated with the contents of and components of  10 the building." Did I read that correctly?  11 A. Yes.  12 Q. So your overall opinion as to the area of  13 fire origin was that the fire started outside the  14 Hoog shop rather than inside the Hoog shop, is that  15 correct?  16 A. Yes.  17 Q. All right. Now, and I hate to do this,  18 but I'm going to try another share screen. Do you  19 see the screen?  20 A. Yes.  21 Q. And do you recognize what's on the screen?  22 A. It's a drawing of the building with  23 dimensions and items located approximately where  24 they were found in the building and indicating the  25 area of fire origin.</p>	<p style="text-align: right;">84</p> <p>1 A. No.  2 Q. Now, you have the area of fire origin on  3 the outside of the building in the red square, is  4 that correct?  5 A. Yes.  6 Q. And it's your opinion that the fire  7 started in a pile of lumber out in front of the  8 north end of the shop?  9 A. Yes.  10 Q. With regard to that pile of lumber and the  11 fire starting at that location, what ignited the  12 pile of lumber?  13 A. I'm not sure what ignited the pile of  14 lumber and the reason for that is that it had been  15 cleaned up prior to our arrival at the scene. It  16 was not -- all of that had been cleaned up prior to  17 the first exam.  18 So there was no information really left  19 there other than the spalling of the concrete to  20 show what happened. We found the fire department  21 pictures is how we came to that area.  22 Q. Okay. Is that part of -- are the fire  23 department pictures you're talking about part of  24 your photolog that went along with your report?  25 A. Yes. The -- those descriptions are mine,</p>
<p style="text-align: right;">83</p> <p>1 Q. Is this a drawing that you prepared?  2 A. Yes.  3 Q. All right. I'll mark this as --  4 THE REPORTER: Exhibit 7.  5 MR. BEARD: Correct. Exhibit 7. Thank  6 you.  7 (Whereupon, Exhibit 7 was marked for  8 identification.)  9 BY MR. BEARD:  10 Q. And I'd like to ask you just a couple of  11 questions about this diagram. Now, the -- the  12 diagram is not the scale, correct?  13 A. Correct.  14 Q. And any reason why you didn't draw a -- a  15 scale diagram?  16 A. This diagram was prepared at the scene and  17 shared with everybody else. And I'm including Mr.  18 Howell. Matter of fact, every investigator was  19 there was provided that. It's not perfect to scale,  20 but I tried to draw it -- that would take more time  21 than I had at the scene. So this is the diagram I  22 started with. So it's the diagram that I kept.  23 Q. Did you ever, subsequent to the initial  24 scene exam, do a different diagram that was to  25 scale?</p>	<p style="text-align: right;">85</p> <p>1 not the fire department, but they're the fire  2 department's photographs.  3 Q. Okay. Can you see the screen, Mr.  4 Oliveaux?  5 A. Yes.  6 Q. And is -- can you tell me what the screen  7 shows? What this document is?  8 A. That is a PowerPoint presentation where I  9 create slides and turn into a PDF that show the  10 various views of the building and of the items that  11 document and support my opinions.  12 Q. Okay.  13 A. It also --  14 Q. I'm sorry.  15 A. -- documents things that were considered  16 like the vehicles, the apartment, all of those  17 things, they're all covered. If -- if we considered  18 it in any way, we documented it and those pictures  19 are -- a sampling of those pictures are included in  20 that PowerPoint.  21 Q. Okay. That -- that -- that raises a point  22 I -- I wanted to cover with you. In the fire origin  23 investigation business, is it accurate to say that  24 there are -- there is a methodology, a system  25 commonly used to document a fire scene?</p>

<p style="text-align: right;">86</p> <p>1 A. There are steps that you follow in the</p> <p>2 scientific process and, you know, based on</p> <p>3 scientific method of how we gather the data. Yes.</p> <p>4 How we process --</p> <p>5 Q. One of those -- I'm sorry.</p> <p>6 A. How we -- how we process the scene. There</p> <p>7 is a -- there is a -- everybody has little things</p> <p>8 that they might vary to, but for the most part,</p> <p>9 everybody follows the same process.</p> <p>10 Q. Okay. And one of those processes is to</p> <p>11 photograph the scene?</p> <p>12 A. Yes.</p> <p>13 Q. And prepare a -- a -- a photolog?</p> <p>14 A. Yes.</p> <p>15 Q. And the photolog -- the idea of the</p> <p>16 photolog is that as you examine the scene and take</p> <p>17 pictures of the scene, the photolog will document</p> <p>18 what you are seeing, what order it is that you're</p> <p>19 seeing so you could follow along in the photos and</p> <p>20 see exactly what the inspector was seeing at the</p> <p>21 time they did the inspection?</p> <p>22 A. Yes.</p> <p>23 Q. And -- and that is something that is part</p> <p>24 of the normal, accepted methodology in the fire</p> <p>25 origin and cause investigative field, correct?</p>	<p style="text-align: right;">88</p> <p>1 at in the sequence that you were looking at it?</p> <p>2 A. More or less, yes.</p> <p>3 Q. All right. And -- and -- and that -- and</p> <p>4 the purpose of -- of having a photolog like that is</p> <p>5 -- is so that you can -- you can look back at the</p> <p>6 photolog and see what -- what the items were that</p> <p>7 you looked at, what you considered, correct?</p> <p>8 A. Yes. Yes.</p> <p>9 Q. Okay. Now, this PowerPoint is not a</p> <p>10 complete copy of the photolog that you prepared,</p> <p>11 correct?</p> <p>12 MR. YAMAGUCHI: Objection, misstates his</p> <p>13 prior testimony.</p> <p>14 THE DEPONENT: It is the photograph that</p> <p>15 -- this is the photographs and the logs for those</p> <p>16 particular pictures that showed what -- what we were</p> <p>17 looking at. But if there were redundant</p> <p>18 photographs, which there often is, those were</p> <p>19 provided in the file share with all the other</p> <p>20 pictures.</p> <p>21 BY MR. BEARD:</p> <p>22 Q. Okay. These are the ones you selected out</p> <p>23 as particularly significant to you for purposes of</p> <p>24 your report?</p> <p>25 A. That and that document was getting huge.</p>
<p style="text-align: right;">87</p> <p>1 A. Yeah. Yes.</p> <p>2 Q. And -- and you did that as well in</p> <p>3 investigating the Hoog fire?</p> <p>4 A. The answer, Mr. Beard, is yes, with some</p> <p>5 interruptions. There were numerous times where I</p> <p>6 was in the process going around the exterior of the</p> <p>7 building, or going through parts of the building</p> <p>8 where somebody called me to come look at something</p> <p>9 that they had discovered or uncovered or whatever or</p> <p>10 needed help with something.</p> <p>11 Like on the first day, I was doing the --</p> <p>12 I -- I was doing my outside pictures and all of a</p> <p>13 sudden there's somebody trying to collect the</p> <p>14 refrigerator. So I stopped taking photos outside</p> <p>15 and documenting the process like I normally would.</p> <p>16 And I went to where they were at to document what</p> <p>17 they were doing.</p> <p>18 So that -- that occurred numerous times on</p> <p>19 this. So there are some things that would be out of</p> <p>20 order of how I would normally do it. But when you</p> <p>21 have that many people there, you have to react to</p> <p>22 what's going on.</p> <p>23 Q. Okay. But the idea of it is that your</p> <p>24 photolog, even with the interruptions or deviations,</p> <p>25 your photolog basically shows what you were looking</p>	<p style="text-align: right;">89</p> <p>1 Exactly.</p> <p>2 Q. Okay. So we were talking about the area</p> <p>3 of origin that you had identified on the north side</p> <p>4 of the shop, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And you had stated that there were some</p> <p>7 pictures in this document, Exhibit 8, that showed</p> <p>8 that area. Am I correct?</p> <p>9 A. Yes.</p> <p>10 Q. And do you know which document that is or</p> <p>11 which -- which photograph that is?</p> <p>12 A. Keep going. I want to -- right, that's</p> <p>13 part of it right there. Those are.</p> <p>14 Q. Okay. So go down to photo 6 in -- in this</p> <p>15 exhibit, that shows the north end of building,</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. And, well, does Exhibit 6 show the area of</p> <p>19 fire origin that you have identified?</p> <p>20 A. It's in the distance, yes, but that's a</p> <p>21 wider view of the area.</p> <p>22 Q. Okay. How about photo 7?</p> <p>23 A. Another wider view of the area.</p> <p>24 Q. Okay. Does this identify the area of</p> <p>25 origin that you have on your diagram?</p>

<p style="text-align: right;">98</p> <p>1 you guys were looking at, correct?</p> <p>2 A. He did not go up the ladder as many times</p> <p>3 as we did. Like, if you go to the left of this</p> <p>4 picture, that's where we started. That's where I</p> <p>5 started labeling the wires, going all the way back</p> <p>6 to the north wall.</p> <p>7 And Mr. Howell did not get up on the</p> <p>8 ladder every time I -- I went up the ladder. He --</p> <p>9 he later on just -- I've known the man for years.</p> <p>10 He is not one to just sit back. He wanted to go get</p> <p>11 involved but, you know, he -- when it -- when there</p> <p>12 was something up there that he needed to see or --</p> <p>13 or I had a question about -- if I questioned an</p> <p>14 area, I told Mark where it was.</p> <p>15 Mark would decide whether he was going up</p> <p>16 the ladder to take the picture or did I take the</p> <p>17 picture for him. That happened a few times but, you</p> <p>18 know, did it -- was -- did he have some limitations?</p> <p>19 We all get that way at some point, you know?</p> <p>20 So, but in terms of his mental</p> <p>21 capabilities, he -- he's spot on. That was Mark</p> <p>22 every day. But, you know, he'd had a -- he'd had an</p> <p>23 event that had some limitations and we helped him as</p> <p>24 much as we could.</p> <p>25 Q. Okay. Let's get back to the area of fire</p>	<p style="text-align: right;">100</p> <p>1 the north end of the shop. That's what I'm looking</p> <p>2 for. Now, is there -- do we have a picture -- a</p> <p>3 closeup picture of that -- that area?</p> <p>4 A. What you need to find is a picture of the</p> <p>5 service entrance, which you know what it looks like,</p> <p>6 the one with the arc on it. If you can find those</p> <p>7 pictures. I think you're going down.</p> <p>8 Q. Yeah. Okay. So --</p> <p>9 A. Let me get the PowerPoint to see if I can</p> <p>10 help you there.</p> <p>11 Q. Yeah. If you could -- if you can look at</p> <p>12 the -- do you have the PowerPoint available to you?</p> <p>13 A. I do.</p> <p>14 Q. All right. If you can tell me what page</p> <p>15 it is that we're talking about.</p> <p>16 A. Okay.</p> <p>17 MR. BEARD: And tell you what, while we're</p> <p>18 looking at that, why don't we take just a -- a -- a</p> <p>19 quick five-minute break and then we could come back.</p> <p>20 THE DEPONENT: Okay.</p> <p>21 MR. YAMAGUCHI: That's fine.</p> <p>22 THE VIDEOGRAPHER: Okay. Okay. Please</p> <p>23 stand by. The time is 11:37 A.M. and we're off the</p> <p>24 record.</p> <p>25 (Whereupon, a recess was taken.)</p>
<p style="text-align: right;">99</p> <p>1 origin.</p> <p>2 A. Okay.</p> <p>3 Q. Let's see. Which way are we going to get</p> <p>4 to it? Down or up?</p> <p>5 A. I'm trying to remember if we were going --</p> <p>6 I think you need to be going down in the numbers.</p> <p>7 Q. This way?</p> <p>8 A. I'm going to say we're going the wrong</p> <p>9 direction. Go up.</p> <p>10 Q. Okay.</p> <p>11 A. My fault.</p> <p>12 Q. We're getting warmer?</p> <p>13 A. Not quite. You're getting -- all right.</p> <p>14 Stop and go back a few. Well, that one got thrown</p> <p>15 in for some other reason. Go back. It's a couple</p> <p>16 of pictures. Nope. The other way.</p> <p>17 Q. The other way?</p> <p>18 A. Right -- right there. So this picture</p> <p>19 right here has a fire damage pattern showing the</p> <p>20 fire spreading away from the wall over there. We</p> <p>21 went --</p> <p>22 Q. Okay. I admit, Mr. Oliveaux, I want to --</p> <p>23 I -- I -- we'll get there, eventually. What I want</p> <p>24 to focus on is a picture that shows the area of fire</p> <p>25 origin that you identified outside the building on</p>	<p style="text-align: right;">101</p> <p>1 THE VIDEOGRAPHER: We are on the record.</p> <p>2 The time is 11:46 A.M.</p> <p>3 You may now proceed.</p> <p>4 BY MR. BEARD:</p> <p>5 Q. All right, Mr. Oliveaux, before the break</p> <p>6 we were talking about finding a picture in your</p> <p>7 photolog, Exhibit 8, depicting the area of fire</p> <p>8 origin that you identified outside the north end of</p> <p>9 the Hoog shop. Did you find the picture?</p> <p>10 A. I found some, yes. If you scroll down to</p> <p>11 the one that's labeled photo 7 and photo 8, it's</p> <p>12 very top. You'll go all the way to the top of it</p> <p>13 and then come down a few pictures. All right.</p> <p>14 That one shows you the area where the fire</p> <p>15 originates. You'd have to zoom into it some, but it</p> <p>16 shows you the next photograph, 8, is another view of</p> <p>17 that area.</p> <p>18 And you can see the box and remains of the</p> <p>19 rollup door underneath there. And the fire's just</p> <p>20 in front of that. When you go to slide 64 --</p> <p>21 Q. I got --</p> <p>22 A. Not to picture 64, slide 64.</p> <p>23 Q. Oh, you mean page 64?</p> <p>24 A. Yeah.</p> <p>25 Q. Okay.</p>

<p style="text-align: right;">102</p> <p>1 A. All right. I -- so in 64 you have two  2 pictures then in the next picture I have stitched  3 together with the software I have. And you will see  4 -- if you look across the -- if you look down at the  5 wall next -- between the tree or right there to the  6 left of the tree, you see the fire damage to that  7 exterior wall.  8 And then back behind that would be the  9 pictures of -- or the pictures that you saw earlier.  10 Then you go to -- the slide 66 and 67. That shows  11 you the spalling on the concrete right there, the  12 arc hit.  13 Then if you go to 67, just another picture  14 of the arc hit, but you can see the spalling of the  15 concrete and in -- go up one -- go back one slide,  16 please. Go -- 66. Go to 66. You can see the  17 discoloration of the bricks where fire is attacking  18 the outside of this wall.  19 And the spalling is showing that there is  20 something out there burning. Our issue was that had  21 been cleaned up. So when we get there, we're trying  22 to figure out what's causing that. We didn't get to  23 that point until we got the fire department  24 pictures, which show better.  25 Q. Okay. Are the fire department pictures</p>	<p style="text-align: right;">104</p> <p>1 -- that we're looking at right now?  2 A. The area where the spalling is and, you  3 know, that -- that shows where the fire was  4 attacking that wall from the exterior.  5 Q. What I'm asking about is the pile of wood  6 that you say ignited and was the -- was the  7 beginning of the fire.  8 A. And as --  9 Q. Am I -- am I -- am I misstating that in  10 any way?  11 A. That's what the fire department photos  12 shows, but as I testified earlier, somebody had  13 cleaned up that area. There was no pile of wood  14 left. But in the fire department photos taken that  15 night and the next morning it showed that material  16 present.  17 Q. Well, what I'm asking about is -- is there  18 a -- I'm just trying to get what you consider to be  19 a picture of the area of origin of the fire.  20 A. There are wider pictures. These are  21 closer pictures right here that you're looking at in  22 66 that shows the -- the damage to the bricks and  23 the staining of the bricks and the spalling of the  24 concrete and the arc hit that indicate that that was  25 attacked as the fire moved toward the building.</p>
<p style="text-align: right;">103</p> <p>1 part of your -- this photo presentation?  2 A. Not this one. It's an individual  3 presentation.  4 Q. All right. So the fire department  5 pictures would -- would -- would show the area of  6 origin -- fire origin that you've identified better  7 than these pictures?  8 A. They show that the area of origin with the  9 items actually still on fire.  10 Q. All right. What I -- what I'm interested  11 in, Mr. Oliveaux, and again, we'll go through the  12 various steps here. But I would like to start at  13 the -- what you have identified as the area of fire  14 origin. And I would like to have a -- what you  15 consider to be the best picture of what the area of  16 fire origin is.  17 Now, you've identified certain pictures in  18 your photolog, but as I understand it, your area of  19 fire origin is a pile of wood that is outside the --  20 that -- that is somewhere away from the north side  21 of the building. So do we have a picture of that  22 pile of wood in the photolog?  23 A. We have that in the fire department  24 pictures.  25 Q. Okay. Do you have it in your photolog in</p>	<p style="text-align: right;">105</p> <p>1 Q. Okay. But -- but is there a picture in  2 your photolog, Exhibit 8, that shows the actual area  3 of -- of -- of fire origin, the pile of wood, or the  4 area the pile of wood was sitting?  5 MR. YAMAGUCHI: Objection to the form as  6 he testified, previously, that it was cleaned up.  7 But you can answer again.  8 MR. BEARD: The question I'm asking,  9 counsel, and please let me, you know, just ask the  10 question.  11 And, Mr. Oliveaux, we've been through this  12 a number of times, you know how the game is played.  13 Just answer the question.  14 BY MR. BEARD:  15 Q. What I'm asking for is, is there a picture  16 in your photolog, Exhibit 8, that shows the area  17 where the pile of wood was sitting that you say is  18 the place where this fire started? Is it in your --  19 is it in this photolog or not?  20 A. No, it's not in the photolog because it  21 was not there when we got there. Somebody had  22 cleaned up the area.  23 Q. All right. And with regard to the place  24 where the -- where the lumber was sitting, is there  25 a picture in your photolog of that part of the</p>

<p style="text-align: right;">106</p> <p>1 concrete driveway out in front of the north side of 2 the shop? 3 A. There is a -- a wider view of the area 4 showing the fire patterns on the outside the 5 building. Yes. Is -- is it close or up to just 6 showing the ground there? No. At that point, we see 7 this damage, we don't know what causes it. 8 And then we didn't know that until we 9 obtained the fire department pictures. And then 10 later on we -- you -- you provided videos that show 11 the fire burning in that area. 12 Q. Okay. Well, let me -- let me back up. 13 This notion that the area of fire origin was outside 14 the building in this pile of wood, was that a 15 hypothesis that you formed during the first 16 inspection of the property in June of 2018? 17 A. In June of 2018, our conversation or our - 18 - yes, it was one of the things that the fire 19 started outside the building. Our issue was there 20 was nothing there to explain why the heat was being 21 imparted onto the electrical service entrance cover. 22 And like I said, we didn't know that 23 things were removed. Nobody told us that efforts 24 had been made to start cleaning up the property and 25 shouldn't have been made. So, technically, that's a</p>	<p style="text-align: right;">108</p> <p>1 Q. Did you form a hypothesis on that first 2 day that the Dometic refrigerator might be a 3 potential cause of the fire? 4 A. Didn't have that opportunity. The 5 refrigerator was collected almost immediately. 6 Q. Well, when -- when you were forming these 7 hypotheses about the various -- about the XLT and 8 about the fire burning outside the building, and the 9 -- the scene according to you was cleaned up, what 10 caused you to -- to believe that the fire started 11 outside the building? 12 A. I have spalling of concrete and fire 13 attacking the exterior of the building over there in 14 an arc hit on a feeder that arcs to the outside of 15 the panel and then has other arcing activity and 16 electrical damage inside that service entrance. 17 Q. Okay. So my question is when you came out 18 that first day and inspected the scene and formed 19 one of your hypotheses was that the -- there was a 20 fire out front of the building, why didn't you take 21 a picture -- I -- I realize you say that everything 22 was cleaned up, but why didn't you take a picture of 23 the area where you suspected the fire to have 24 started? 25 A. I have a picture of the area where I</p>
<p style="text-align: right;">107</p> <p>1 spoliation issue but the fire department pictures 2 show that there were items there. 3 The videos that you supplied, I think, 4 yesterday or day before yesterday, show stuff 5 burning outside. And the fire department pictures 6 show things on the ground burning. And then the 7 next day, the pictures show the remains of those 8 items in the area of fire origin. I can't take a 9 picture of something that is not there. So, I do 10 not have a picture -- 11 Q. What -- what I'm asking -- 12 A. -- of the wood. 13 Q. -- what I'm asking, Mr. Oliveaux, if I 14 understand your testimony, is that when you first 15 went out to the fire scene in June of 2018, you 16 formed a hypothesis that the fire started outside 17 the building. Am I hearing that correctly? 18 A. There was a hypothesis that the fire 19 started in the building in the electrical panel. 20 There was a hypothesis that it could have started in 21 the EXT. There was a hypothesis that the fire 22 started outside the building and spread inward. 23 Based on the initial exam, that's pretty 24 much where I was at, in this -- in this area, either 25 inside the building or outside the building.</p>	<p style="text-align: right;">109</p> <p>1 believe the fire entered the building. And at the 2 point where -- at -- at that point, Mr. Beard, there 3 was nothing to take a picture of other than the 4 ground. We took some wider photographs. 5 Mr. Perryman took more photographs over 6 there as he was working that area. The -- I believe 7 that somewhere in this process, like I told you 8 earlier, was -- there was really multiple things 9 going on at one time. 10 Instead of it being, "Okay, we're all 11 going to go take our outside pictures and -- and do 12 that," other people were doing other things. And 13 all of a sudden, you know, something pops up and you 14 have to go to there. It was not -- there was 15 nobody, I guess, per se, running the show and/or 16 coordinating what was going on. 17 So it kind of resembled a little bit of -- 18 of a Chinese fire drill because all of a sudden 19 somebody's taking a piece of evidence and they're 20 moving it before we have an opportunity to look at 21 it. 22 And so -- but, you know, that -- that lack 23 of a plan, I guess, of, you know -- or somebody 24 coordinating the removal of evidence and saying, 25 "Okay, we're fixing to do these things." It wasn't,</p>

<p style="text-align: right;">110</p> <p>1 "Hey, we're fixing, go take them." It was, "They 2 were taking them." 3 And somebody said, "Hey, they're over 4 there picking up the refrigerator." Nobody had told 5 me that they were even going to touch the 6 refrigerator at that point. 7 Q. Now, Mr. Oliveaux, I'd like to get back to 8 the question that I asked. Now, we previously 9 talked about the fact that everybody in the fire 10 origin and cause business takes a photolog and 11 documents things that they find significant during 12 their inspection. 13 And -- and what I'm asking is if you 14 formed a hypothesis that a fire started outside the 15 building at that first inspection, did you -- where 16 -- where is the picture that shows the area where 17 the fire supposedly started? Do you have a picture 18 or not? 19 A. It's -- it's in the photograph that you 20 have in -- that's open in the PowerPoint right now. 21 That is the area where the fire starts in the 22 building. 23 Q. Okay. But I'm talking about the area of 24 fire origin that you identified outside the 25 building.</p>	<p style="text-align: right;">112</p> <p>1 examination. 2 Q. So, okay, we don't have a picture in your 3 photolog of where you say the fire started. This is 4 where -- this picture that we're looking at in page 5 66 is where you claim the fire entered the building, 6 correct? 7 A. That's where the -- the first components 8 of the building become involved is in this -- this 9 location right here. That door and that electrical 10 service entrance is where the fire entered the 11 building. 12 Q. All right. So, let's -- bear with me for 13 just one second here. Okay, Mr. Oliveaux, I have up 14 on the screen what's been identified as Exhibit 35 15 in the plaintiffs' exhibit list, which also are 16 Bates stamped Hoog supplemental document production 17 100 -- okay, hold on a second. 18 All right, there we go. Okay. Hoog 19 supplemental document production 100539 through 20 00718. And represent to you that these are the fire 21 photographs or photographs from the fire department, 22 the Edmond Fire Department. Can you see those on 23 your screen? 24 A. I can. 25 Q. Okay. And do you recognize these pictures</p>
<p style="text-align: right;">111</p> <p>1 A. And like I told you, those are shown in 2 the fire department photographs. 3 Q. Okay. They're not in this exhibit? 4 A. They're not in that exhibit. I made that 5 clear already. 6 Q. Well, I'm glad you cleared that up because 7 it wasn't clear to me. Okay. So it's not in -- 8 well, let me ask you this question. In your 9 photolog here, Exhibit 8, that includes photos that 10 you thought were significant to your opinion. My 11 question is why doesn't this photolog include a 12 picture of where you say the fire started? 13 A. I think I just testified, Mr. Beard, that 14 that picture that you have up right there is where 15 the fire enters the building. Okay? We know that 16 there's a heat source outside. We don't know what 17 it was because it was -- the scene was spoliated. 18 And that comes back to you and your 19 client, not us. We didn't take the stuff away. 20 Somebody that was controlling the property had 21 something cleaned up. I would assume that you 22 would've given them advice to leave it alone. That 23 was not the case. 24 They cleaned up the fire scene. They 25 removed items that were pertinent to the</p>	<p style="text-align: right;">113</p> <p>1 as the photographs from the Edmond Fire Department? 2 A. That's what they look like. 3 Q. And now it's your testimony that the area 4 of fire origin that you've identified is seen in 5 this picture -- in these pictures? 6 A. No. It's not seen in that picture. 7 That's the south side of the building. 8 Q. No, I know. Not in -- in -- in this 9 picture that's on the screen, but in this collection 10 of photographs? 11 A. Yes. 12 Q. Okay. And if we go through these 13 photographs -- well, let me go back. All right. 14 The first photograph is the south side of the 15 building? 16 A. Yes. No. Yes. South side of the 17 building. 18 Q. Okay. South side of the shop? 19 A. And, actually, yeah, that -- that's the 20 first one. Okay. Yes. South side of the shop and 21 showing the firemen on the east side of the building 22 applying water. 23 Q. Okay. So as we click through these 24 pictures, we are going around the shop in a 25 clockwise motion until we get to page 9, photograph</p>

<p style="text-align: right;">114</p> <p>1 9, which shows the north side of the building,  2 correct?  3 A. Yeah, that's the Northwest corner.  4 Q. Okay. And then as we click on --  5 A. Well, if you -- if you go back just a  6 minute. Go one more back.  7 Q. Okay. Page 10 of the exhibit.  8 A. What you're seeing there is the door in  9 front of the RV still intact and down. And you see  10 that the door to -- that's underneath the canopy  11 area has been breached and there's fire inside that  12 part of the door.  13 Q. Okay. And as we continue to walk around  14 the building, there's -- when we get to --  15 A. We passed up the door again, but --  16 Q. Okay. We're going back to the door on the  17 north --  18 A. Right. So --  19 Q. Picture or page 15 of this exhibit and  20 we'll mark -- we'll mark this as -- we'll mark this  21 collection of photographs as Exhibit 9 to your  22 deposition.  23 (Whereupon, Exhibit 9 was marked for  24 identification.)  25 BY MR. BEARD:</p>	<p style="text-align: right;">116</p> <p>1 see the wires that are damaged?  2 Q. Right. What we're looking for is the area  3 of fire origin that you have identified out front of  4 the north side of the building.  5 A. We're getting there.  6 Q. Okay. Did we miss it?  7 A. You're not finished. I don't think.  8 Q. That's all 180 pages. Are you sitting in  9 front of your computer?  10 A. I'm sitting in front of my computer. So  11 --  12 Q. So, do you have the Edmond Fire Department  13 pictures on your computer?  14 A. I do.  15 Q. And --  16 A. All right, if you find Edmonton (sic) Fire  17 Department 15.  18 Q. Okay.  19 A. Okay. You can see in the bottom left of  20 that photograph, the wood. And then --  21 Q. Are we looking at the same picture?  22 A. It's -- it's fire department photograph  23 15. There's a firefighter on the right side barely  24 in the picture and a -- and a hose string going into  25 the door toward the side of the -- west side of the</p>
<p style="text-align: right;">115</p> <p>1 Q. Page 15 of this exhibit that shows the --  2 the north side of the building.  3 A. Shows the -- that shows the piece of wall  4 between the two rollup doors on the north side of  5 the building.  6 Q. Okay. And then as we continue to click  7 through the pages of this exhibit.  8 A. You're going a little fast there, Mr.  9 Beard.  10 Q. Oh, okay.  11 A. Can you go back a little ways?  12 Q. I'm looking for the --  13 A. I am too.  14 Q. -- the photographs of the north side of  15 the building, which is where you say the fire  16 started.  17 A. Okay. So we're back to the south side is  18 where we're at. So now you're -- you're in daylight  19 --  20 Q. That's page 36 of the exhibit.  21 A. Yeah. So now you're -- you're doing the  22 daylight hours. So you can keep going down in these  23 -- to the next ones. Now, slow down. All right.  24 You need to go slow through these. You see the fire  25 damage attacking the panel, you see the panel, you</p>	<p style="text-align: right;">117</p> <p>1 apartment.  2 Q. Okay. And is that the same picture that's  3 on the screen?  4 A. Well, it's in my -- it's in the PowerPoint  5 that I did. Yes. It's just that I think that  6 picture is cropping out something. I think that --  7 that I -- that is not a true representation of that  8 photograph.  9 Q. Okay.  10 A. If you go to the fire department pictures  11 that I put in the PowerPoint, you'll see the full  12 photograph.  13 Q. Okay.  14 A. And I -- that's slide number 16 is where  15 --  16 Q. Okay. Okay. So we're back to your  17 PowerPoint. And which -- which photograph are you  18 referring to?  19 A. Go to 45, slide 45, slide 47. And you can  20 see some of it in 49.  21 Q. Okay. We're -- are you talking about page  22 45?  23 A. Yes. The slide number is 40 -- the -- the  24 -- the numbers should track pretty close, but there  25 was a couple that the pictures didn't come out that</p>

<p style="text-align: right;">118</p> <p>1 mark or something.</p> <p>2 Q. Are you --</p> <p>3 A. Look at 40 -- slide 47. That's probably</p> <p>4 the best one. You can --</p> <p>5 Q. Wait a minute, Mr. Oliveaux, just so that</p> <p>6 the record is clear. We're looking at your</p> <p>7 PowerPoint presentation, correct?</p> <p>8 A. Yes.</p> <p>9 Q. That is --</p> <p>10 A. Of -- of the fire department photographs.</p> <p>11 Q. That is -- that is -- is Exhibit 8?</p> <p>12 MR. YAMAGUCHI: Fire department's Exhibit</p> <p>13 9. Are we looking at Exhibit 8?</p> <p>14 BY MR. BEARD:</p> <p>15 Q. Yeah. Are we looking at Exhibit 8 or --</p> <p>16 which is your PowerPoint presentation that went</p> <p>17 along with your report?</p> <p>18 A. It's the -- it's the PowerPoint</p> <p>19 presentation of the fire department pictures.</p> <p>20 Q. Ah, okay. Not Exhibit 8. Okay. So, now,</p> <p>21 can you see my screen, Mr. Oliveaux?</p> <p>22 A. Well, let me shrink mine. Yes. Now, I</p> <p>23 can see your screen.</p> <p>24 Q. Okay. And is -- on my screen, is that the</p> <p>25 PowerPoint presentation that you prepared in this</p>	<p style="text-align: right;">120</p> <p>1 Q. Okay.</p> <p>2 A. You can see in that photograph the remains</p> <p>3 of the wood and other things over -- charred, not</p> <p>4 completely consumed outside that door. And then if</p> <p>5 you go to I think two slides ahead, you go down two</p> <p>6 more, to 47, there you see, again, the wood and</p> <p>7 other materials that have fallen.</p> <p>8 But you have a pile of wood on the ground</p> <p>9 there. And there was no wooden structure above this</p> <p>10 to fall on the ground. So that wood was there</p> <p>11 during the fire.</p> <p>12 Q. Okay. So, 47 is a photograph that -- it's</p> <p>13 your testimony that the -- the -- the wood pile</p> <p>14 that's in the bottom left-hand corner of this</p> <p>15 photograph is the area of origin of the Hoog fire?</p> <p>16 A. Yes.</p> <p>17 Q. Are there any other pictures in here that</p> <p>18 you claim are -- show this area better than this?</p> <p>19 A. I think you can go down a couple -- go</p> <p>20 down one each and there's more views of that area.</p> <p>21 All right. Back up. Back up. Go back again. Some</p> <p>22 more. Some more. All right, stop right there.</p> <p>23 Well, let's -- wait, I take that back. Go back one</p> <p>24 more. Let me make sure that we're in the right</p> <p>25 spot. All right. Go -- you can go forward and</p>
<p style="text-align: right;">119</p> <p>1 case involving the fire department photographs of --</p> <p>2 of the fire scene?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. So is that the -- are we on the</p> <p>5 same document now?</p> <p>6 A. We are.</p> <p>7 Q. All right. So we'll mark this PowerPoint</p> <p>8 as Exhibit 10.</p> <p>9 (Whereupon, Exhibit 10 was marked for</p> <p>10 identification.)</p> <p>11 BY MR. BEARD:</p> <p>12 Q. And -- and which picture you -- are you</p> <p>13 referring to? And, again, what -- all I'm trying to</p> <p>14 do is get a picture from you that you are -- claim</p> <p>15 is a picture of the area of origin of the fire</p> <p>16 outside the building.</p> <p>17 A. Photo -- if you go down to, I think, it's</p> <p>18 slide 47 or it's -- and -- but I think it's</p> <p>19 photograph 45.</p> <p>20 Q. Well, we can -- just so -- just so that I</p> <p>21 get things more screwed up, can we go by page</p> <p>22 number?</p> <p>23 A. 47. Go to 47. You can actually go --</p> <p>24 stop right there. In this picture 45, go to 40 --</p> <p>25 go back one to 45.</p>	<p style="text-align: right;">121</p> <p>1 stop.</p> <p>2 Q. Okay. So we are at page 100 of Exhibit</p> <p>3 10. And this picture depicts the outside main</p> <p>4 electrical panel?</p> <p>5 A. Electrical service entrance. Yes.</p> <p>6 Q. Okay. And then some distance away or some</p> <p>7 -- some rubble and is that the wood pile that you're</p> <p>8 talking about down on the bottom left-hand corner of</p> <p>9 the photo?</p> <p>10 A. Yeah. You saw it in a previous picture</p> <p>11 now you're seeing just a closer view of that area,</p> <p>12 but you'll -- as you progress, you'll see, one,</p> <p>13 you've got fire patterns that are showing fire</p> <p>14 coming up from the ground here and going across that</p> <p>15 panel box and across that wall.</p> <p>16 And you've got staining on those bricks,</p> <p>17 which again, these other items weren't there. So</p> <p>18 you can go one more -- go another picture down. You</p> <p>19 see the PVC conduit attacked at floor level or</p> <p>20 ground level, and the panel being attacked as</p> <p>21 something's burning upward from the bottom.</p> <p>22 Q. Well, that's -- that's your interpretation</p> <p>23 to this photograph?</p> <p>24 A. That's my interpretation of a combination</p> <p>25 of all of these photographs.</p>

<p style="text-align: right;">122</p> <p>1 Q. By the way, that conduit that is or the --</p> <p>2 the -- can you see my cursor?</p> <p>3 A. Yes.</p> <p>4 Q. The -- the conduit that is coming out of</p> <p>5 the bottom of the electrical box, is that insulation</p> <p>6 wrapped around the -- wrapped around the conduit?</p> <p>7 A. It appears to be the PVC being attacked</p> <p>8 from -- from the fire. When we looked at it, it --</p> <p>9 it had a PVC piece between where the wire turned up</p> <p>10 and taking the wire into the bottom of the service</p> <p>11 entrance.</p> <p>12 Q. Okay. And is there -- is there any better</p> <p>13 picture of the area of fire origin in this</p> <p>14 collection of photographs that -- that you're</p> <p>15 relying on?</p> <p>16 A. I think there's -- I think there's --</p> <p>17 understand, I didn't take these. So they were taken</p> <p>18 by the -- by the fire investigator. And if you go</p> <p>19 down, I think there might be a couple more, but I</p> <p>20 haven't looked at these in the last week or so.</p> <p>21 Q. Okay.</p> <p>22 A. I put them in the order that he shot them.</p> <p>23 Q. Okay.</p> <p>24 A. There -- see, there was a -- go back. Go</p> <p>25 back, one more, maybe another one. Right there.</p>	<p style="text-align: right;">124</p> <p>1 BY MR. BEARD:</p> <p>2 Q. Okay. I do not see any more photographs</p> <p>3 of --</p> <p>4 A. I didn't either.</p> <p>5 Q. -- north. Okay. So what we're talking</p> <p>6 about here is 46 and 100.</p> <p>7 A. And you have one before that that shows</p> <p>8 the side view of -- with more of the wood visible.</p> <p>9 Go up some more. There's one.</p> <p>10 Q. 47.</p> <p>11 A. 47. And I think there's actually another</p> <p>12 one before that, 46 or 45. 45, I think. You can go</p> <p>13 up one and go up -- all right. Yeah. 45. You can</p> <p>14 see --</p> <p>15 Q. 46.</p> <p>16 A. That's photo 44, slide 45.</p> <p>17 Q. Page 45.</p> <p>18 A. Yeah. Page 45.</p> <p>19 Q. Okay.</p> <p>20 A. And you can -- you can see the item on the</p> <p>21 ground in front of and their proximity to the</p> <p>22 service entrance, electrical service entrance.</p> <p>23 Q. Okay. And I just want to confirm that</p> <p>24 when you came out to the site on June 15th, 2018,</p> <p>25 you did not take any photographs of the area on the</p>
<p style="text-align: right;">123</p> <p>1 See that, he went back to and took a picture of the</p> <p>2 inside of that cover.</p> <p>3 Q. Okay.</p> <p>4 A. So you can keep going. There's -- I think</p> <p>5 there was another couple of pictures later -- oh,</p> <p>6 wait, go back. You're going to see where the</p> <p>7 electrical service panel inside, it's on the ground</p> <p>8 there, right there. And the door's on top of it.</p> <p>9 Q. Okay. Well, again, Mr. Oliveaux, I don't</p> <p>10 -- I'm not -- we're not there yet. We're still out</p> <p>11 front.</p> <p>12 A. Okay.</p> <p>13 Q. What I -- all I'm asking about are</p> <p>14 photographs of where you say the area of origin of</p> <p>15 fire.</p> <p>16 A. Okay.</p> <p>17 Q. So we just click on through here.</p> <p>18 MR. YAMAGUCHI: And, counsel, while you're</p> <p>19 doing that, I just wanted to clarify on the record.</p> <p>20 I think you referred to this as Exhibit 10 and I</p> <p>21 think it's Exhibit 8. I mean, Exhibit 9, sorry.</p> <p>22 MR. BEARD: No, the fire -- the fire</p> <p>23 department photos were Exhibit 9. This is Mr.</p> <p>24 Oliveaux's fire department PowerPoint, which is</p> <p>25 Exhibit 10.</p>	<p style="text-align: right;">125</p> <p>1 ground where this pile of lumber is sitting in photo</p> <p>2 -- in -- on page 45 of this exhibit, is that</p> <p>3 correct?</p> <p>4 A. I took some wider views of it, but</p> <p>5 understand there was nothing there to take a picture</p> <p>6 of other than the door. We did get pictures of the</p> <p>7 door later on, but -- or the general area, but there</p> <p>8 was nothing there because it had been spoliated. It</p> <p>9 had been cleaned up.</p> <p>10 Q. What's your estimate -- looking at page 45</p> <p>11 of Exhibit 10, what's your estimate of the distance</p> <p>12 between the wood pile and the outside electrical</p> <p>13 panel for the shop?</p> <p>14 A. You'd have to go to the other picture, go</p> <p>15 back to 47, I think. I would say it's within three</p> <p>16 feet.</p> <p>17 Q. Okay.</p> <p>18 A. But it also has some proximity to that</p> <p>19 rollup door, which also is a fuel package that the</p> <p>20 fire can attack and spread into the building.</p> <p>21 Q. Well, you indicated that there was --</p> <p>22 well, strike that. Well, the series of videos that</p> <p>23 recently surfaced of the fire, are you aware of</p> <p>24 them?</p> <p>25 A. Yeah.</p>

<p style="text-align: right;">126</p> <p>1 Q. And you've had a chance to review those?</p> <p>2 A. Yes.</p> <p>3 Q. Want to -- hold on a second. Can you see</p> <p>4 my screen?</p> <p>5 A. Yes.</p> <p>6 MR. BEARD: And this is, for the record,</p> <p>7 one of the videos. There's five video clips. This</p> <p>8 one is titled image 0858, which is the first in</p> <p>9 series of these five clips.</p> <p>10 BY MR. BEARD:</p> <p>11 Q. And you've had a chance to review this?</p> <p>12 A. Yes.</p> <p>13 Q. All right. And is it your understanding</p> <p>14 that these are videos of the fire showing the north</p> <p>15 end of the Hoog shop taken by one of the neighbors</p> <p>16 to the Hoog --</p> <p>17 A. Yes. It appears as he's walking from</p> <p>18 north to south toward the building.</p> <p>19 Q. Okay. And go ahead and play this. Let me</p> <p>20 just stop here. With regard to this video, is it</p> <p>21 fair to say that the interior of the building is</p> <p>22 fully engulfed in fire -- in fire?</p> <p>23 A. Actually, I'm not sure that that's the</p> <p>24 case, because remember there's a door there that</p> <p>25 could be just the door on fire because of the panels</p>	<p style="text-align: right;">128</p> <p>1 Q. And the fire department is --</p> <p>2 A. A little closer, I think.</p> <p>3 Q. The fire department is already on scene?</p> <p>4 A. There's one -- there's one unit that's</p> <p>5 visible, yes.</p> <p>6 Q. Okay. I --</p> <p>7 A. Between the pond and the -- and the</p> <p>8 building.</p> <p>9 Q. Now, it'd be fair to say that this video</p> <p>10 clip shows fire coming out from the interior of the</p> <p>11 building?</p> <p>12 A. There's some fire coming outside the</p> <p>13 interior of the building and there's some fire</p> <p>14 outside the building.</p> <p>15 Q. Okay. The next video clip 0860. Can you</p> <p>16 see my screen, Mr. Oliveaux?</p> <p>17 A. I can.</p> <p>18 Q. Now, let me just stop it early on. Now,</p> <p>19 this -- it'd be fair to say that this video shows</p> <p>20 this wood pile on fire?</p> <p>21 A. Yes.</p> <p>22 Q. And it shows behind the wood pile there's</p> <p>23 the door to the shop?</p> <p>24 A. Yes.</p> <p>25 Q. And inside the shop it's fully engulfed in</p>
<p style="text-align: right;">127</p> <p>1 on the inside of the door. And --</p> <p>2 Q. Do you see the wood -- the wood pile that</p> <p>3 you referenced on fire in this picture?</p> <p>4 A. I see fire on the ground, outside the</p> <p>5 building. Yes.</p> <p>6 Q. Okay.</p> <p>7 A. And as you get to the next ones, they --</p> <p>8 they get closer.</p> <p>9 Q. Well, in this picture here, you've also</p> <p>10 got fire coming out of the windows on the west side</p> <p>11 of the building?</p> <p>12 A. Yes.</p> <p>13 Q. And that's the RV side of the building?</p> <p>14 A. Yes. Those are coming out near the roof</p> <p>15 or near the eave line of the building.</p> <p>16 Q. Well, it's coming out of the windows on</p> <p>17 that side.</p> <p>18 A. Yes, it's a window that's just below the</p> <p>19 eave line.</p> <p>20 Q. Okay. Can you see my screen, Mr.</p> <p>21 Oliveaux?</p> <p>22 A. I can.</p> <p>23 Q. Okay. The next video clip in order, 0859.</p> <p>24 Again, this shows the north end of the building?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">129</p> <p>1 flame?</p> <p>2 A. That's what the picture shows. Yes. Fire</p> <p>3 is well-advanced.</p> <p>4 Q. And the flame from the inside of the shop</p> <p>5 is going through the roof?</p> <p>6 A. Above the area of the electrical</p> <p>7 distribution, yes.</p> <p>8 Q. I'm talking about the area at the roof.</p> <p>9 A. Right there.</p> <p>10 Q. Okay.</p> <p>11 A. That's -- that area is right above the</p> <p>12 electrical distribution equipment.</p> <p>13 Q. Okay. Well, that -- well, okay. And you</p> <p>14 can also see fire going behind the other rollup door</p> <p>15 that is still down, correct? To the right?</p> <p>16 A. Yes.</p> <p>17 Q. All right. And -- and it's your testimony</p> <p>18 or your opinion that the fire that is burning on</p> <p>19 this pile of wood in front where the cursor is that</p> <p>20 that's what started the entire fire?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Let me stop here. In -- at -- at</p> <p>23 -- in this video clip, stopped it at 18 seconds.</p> <p>24 Could you see the fire or could you see the fire in</p> <p>25 the wood pile?</p>

<p style="text-align: right;">130</p> <p>1 A. Yes.</p> <p>2 Q. Can you see the electrical box?</p> <p>3 A. Yes.</p> <p>4 Q. And is the fire anywhere near the</p> <p>5 electrical box?</p> <p>6 A. The fire is within three feet of the</p> <p>7 electrical box and it is burning vigorously.</p> <p>8 Q. Okay.</p> <p>9 A. And, actually, they're starting to</p> <p>10 suppress it. So it's been burning for a while.</p> <p>11 Q. Well, the fire department is not paying</p> <p>12 any attention to the wood pile burning, correct?</p> <p>13 A. They -- they put water on it in other</p> <p>14 pictures and they're putting water on it now. You</p> <p>15 can see the steam coming off of it.</p> <p>16 Q. Well, they're -- they're putting fire on</p> <p>17 the -- on the inside of the building, correct?</p> <p>18 A. No. Right there, they're spraying water</p> <p>19 on that pile of wood.</p> <p>20 Q. That's your interpretation of that?</p> <p>21 A. I can see where the steam is being</p> <p>22 produced. Yes. And that right there is what is</p> <p>23 causing the spalling of the concrete because now</p> <p>24 that you have heated it and you cool it real quick,</p> <p>25 it'll spall.</p>	<p style="text-align: right;">132</p> <p>1 THE DEPONENT: Can I ask that those all be</p> <p>2 attached?</p> <p>3 MR. YAMAGUCHI: Sure.</p> <p>4 BY MR. BEARD:</p> <p>5 Q. Do you see the screen, Mr. Oliveaux?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And --</p> <p>8 A. That's them cutting the door again.</p> <p>9 Q. Right.</p> <p>10 A. I'm not as clear on which door they're</p> <p>11 cutting on this one, but I think it's probably the</p> <p>12 one on the -- in front of the RV.</p> <p>13 Q. Correct. And this could've been --</p> <p>14 doesn't -- is after the -- well, the fire is still</p> <p>15 burning inside, but there's no fire on the outside,</p> <p>16 right?</p> <p>17 A. Yes. They've suppressed that.</p> <p>18 Q. Okay. What I'll do is mark the video clip</p> <p>19 0858 as 11, 859 as 12, 860 as 13, 861 as 14, 862 as</p> <p>20 15.</p> <p>21 (Whereupon, Exhibit 11, Exhibit 12,</p> <p>22 Exhibit 13, Exhibit 14, and Exhibit 15 were marked</p> <p>23 for identification.)</p> <p>24 MR. BEARD: All right. What time is it in</p> <p>25 -- in -- in your area of the woods, Mr. Oliveaux?</p>
<p style="text-align: right;">131</p> <p>1 Q. Okay. Actually, I think that's the last</p> <p>2 video clip that shows actual fire on the outside of</p> <p>3 the building.</p> <p>4 A. Which one was the last one that you</p> <p>5 played?</p> <p>6 Q. 860.</p> <p>7 A. Let's look at -61. I think --</p> <p>8 Q. Okay.</p> <p>9 A. There's -- the two at the end are them</p> <p>10 cutting doors. Cutting the doors on the north end</p> <p>11 of the building, I think. Or maybe it was -- I'm</p> <p>12 sorry -- the south end of the building, I think, is</p> <p>13 what -- was what those two last ones were.</p> <p>14 Q. Tell you what, why don't we look at them</p> <p>15 just to make sure?</p> <p>16 A. Yup.</p> <p>17 Q. Okay. We're looking at -- do you see the</p> <p>18 screen, Mr. Oliveaux?</p> <p>19 A. Yeah, I do. And that looks like one of</p> <p>20 them cutting the door.</p> <p>21 Q. Okay. That short one?</p> <p>22 A. Yeah. Is it -- is there -- if there's</p> <p>23 only one more, the last one was also them cutting</p> <p>24 the door.</p> <p>25 Q. Well, let's just --</p>	<p style="text-align: right;">133</p> <p>1 THE DEPONENT: Quarter to one.</p> <p>2 MR. BEARD: Okay. Tell you what, why</p> <p>3 don't we take a -- why don't we take a lunch break</p> <p>4 'till 1:30 and then hit it again.</p> <p>5 THE DEPONENT: Okay.</p> <p>6 MR. BEARD: All right.</p> <p>7 THE VIDEOGRAPHER: Off the record.</p> <p>8 (Whereupon, a luncheon recess was taken.)</p> <p>9 THE VIDEOGRAPHER: We are on the record.</p> <p>10 The time is 1:34 P.M.</p> <p>11 You may now proceed.</p> <p>12 MR. BEARD: Thank you.</p> <p>13 BY MR. BEARD:</p> <p>14 Q. Mr. Oliveaux, I'd like to go back to your</p> <p>15 report for a second. Do you have it in front of</p> <p>16 you?</p> <p>17 A. I can get it.</p> <p>18 Q. Might be quicker than me trying to share</p> <p>19 the screen.</p> <p>20 A. You're good. I can do it. Oh, let me</p> <p>21 see. Okay. I've got it.</p> <p>22 Q. Okay. I'd like to refer you to page 14 of</p> <p>23 your report under qualifications.</p> <p>24 A. Okay.</p> <p>25 Q. And in a sentence --</p>

<p style="text-align: right;">134</p> <p>1 A. Hang on just a minute. Let me get to  2 where you're at. You said 14, right?  3 Q. 14, correct.  4 A. 9, 11. All right.  5 Q. Okay. Draw your attention to the second  6 sentence of the first paragraph under  7 qualifications. "My experience with SOS  8 Investigations includes investigating over 1,000  9 recreational vehicle fires, where gas absorption  10 refrigeration was present and other fire losses  11 across the broad spectrum of vehicles, vessels,  12 buildings, industrial facilities, and  13 construction/forestry equipment." Did I read that  14 correctly?  15 A. Yes.  16 Q. All right. I'm -- the -- the way the  17 sentence is -- is phrased, I just wanted to make  18 clear or clarify, are you saying that you have  19 investigated over a thousand recreational vehicle  20 fires where gas absorption refrigeration was  21 present, period, in addition to other things?  22 A. To be honest with you, I don't know that  23 I've -- that paragraph is probably underestimating  24 because I've done more than a thousand fires. But  25 it was more -- it -- it's a combination of</p>	<p style="text-align: right;">136</p> <p>1 and then component manufacturers, RV manufacturers,  2 you know, there -- there's -- there's more of them  3 in there, plus two refrigerator manufacturers.  4 Q. Okay. So let's get back to what we were  5 talking about before the break, which was the -- the  6 area of origin in front of the north side of the  7 Hoog shop where you placed the area of origin of the  8 fire in this case.  9 Now, you had said several times during  10 your deposition so far that it was impossible for  11 you to have examined the wood pile, the area of  12 origin because by the time you got out there, the  13 wood pile had already been cleaned up. Is that  14 correct?  15 MR. YAMAGUCHI: Objection, misstates prior  16 testimony.  17 BY MR. BEARD:  18 Q. Well, is that a misstatement of your prior  19 testimony, Mr. Oliveaux?  20 MR. YAMAGUCHI: I don't recall him using  21 the word impossible.  22 BY MR. BEARD:  23 Q. Okay. Let me back up. Let me phrase it  24 -- rephrase the question. Let me just ask a  25 different question. Why didn't you investigate the</p>
<p style="text-align: right;">135</p> <p>1 everything in there, not just --  2 Q. Okay. That's what I wanted to clarify.  3 You're -- you're not -- you're not saying in this  4 paragraph that -- by this sentence that you've done  5 a thousand investigations of refrigerator fire  6 cases?  7 A. No.  8 Q. Okay.  9 A. It's not --  10 Q. You're talking about a thousand  11 investigations total since -- I guess since SOS was  12 formed in 1994?  13 A. Yeah. And it's probably -- like I say,  14 it's more than that now, but like I say, it's -- it  15 says over. So it's grammatically correct. It's  16 just not an exact number.  17 Q. Okay. And looking at that, could you  18 estimate how many of the thousand or so fires were  19 investigate or investigations -- were investigations  20 of recreational vehicle fires where gas absorption  21 refrigerators were present?  22 A. I can't give you a -- a good estimate. I  23 can just tell you that recreational vehicle fires  24 make up a lot of what I've done over the years.  25 Progressive sent me quite a few of them</p>	<p style="text-align: right;">137</p> <p>1 area of origin that you identified when you came out  2 to the shop to do the scene inspection?  3 A. When we arrived there, the first thing we  4 did was we started taking our pictures, going around  5 it. Then Mr. Hoog arrived and we started the  6 interview process, which you were part of. And I  7 had made it to the north side of the building and  8 there was nothing there.  9 And then when we started back to the  10 interview, somebody asked about something else and  11 we went to that location. And then later on, I went  12 back to that end of the building.  13 Q. Okay. And -- and is it your testimony,  14 under oath, that when you examined the scene on June  15 15th, 2018, there was no evidence of the wood pile  16 on the back -- on the north side of the building?  17 A. I don't -- no. There was no evidence of  18 the wood pile. There was evidence of falling of the  19 concrete, damage to the door and damage to the  20 service entrance and the conduit and the bricks  21 around the service entrance and up the wall.  22 Q. Was -- at the initial scene inspection,  23 was Mr. Howell also documenting the fire scene along  24 with everybody else?  25 A. I don't remember specifically, but if that</p>

<p style="text-align: right;">138</p> <p>1 was his first time there, I'm sure Mark was taking 2 pictures. 3 Q. All right. Doing the same kind of photo 4 documentation as everybody else? 5 A. Yes. 6 Q. Okay. And by the way you have seen Mr. 7 Howell's expert file, haven't you? 8 A. Yes. 9 Q. And you reviewed the material that he 10 provided? 11 A. The way it came in, I have -- it -- it 12 came in in multiple files and, I mean, it's -- I've 13 looked through, I'm going to say, most of it. But 14 the way it came in, it was like court filings and 15 then something, court's filings and then some -- you 16 know, it's mixed in. 17 And it took me a couple of times to get 18 that downloaded with the internet that I have at my 19 -- at my office. 20 Q. And did you have a chance to review Mr. 21 Howell's photolog of his initial inspection of the 22 fire scene? 23 A. The answer is I have reviewed -- I 24 reviewed his notes and I went through the pictures. 25 But once we got the fire department pictures, I</p>	<p style="text-align: right;">140</p> <p>1 inspection in June of 2018? 2 A. Yes. 3 Q. So, your prior testimony that this area 4 had all been cleaned and there was nothing left is 5 not accurate, correct? 6 A. Correct. It was -- it was cleaned between 7 this inspection and the next inspection. 8 Q. Okay. So let's get back to the question 9 that I was asking this morning. When you saw this 10 wood pile and its relationship to the electrical 11 panel on the date of the first inspection, did you 12 do anything to investigate the wood pile? 13 A. We were inside with Mr. Hoog and then it 14 was refrigerator collection and documenting inside 15 of the building. Evidently, in that process I 16 missed photographing that area. 17 Q. Okay. So you didn't -- so you -- you 18 concede now that this is an accurate depiction of 19 what the north side of the building looked like on 20 the day of the first inspection, correct? 21 A. Yes. 22 Q. And you were there for the entire 23 inspection that day? 24 A. Yes. 25 Q. And you had the ability to document and</p>
<p style="text-align: right;">139</p> <p>1 don't know that I finished going through all of his 2 photographs. But if you give me a second, I'm 3 looking at that now because I remember reading 4 through his report and -- 5 Q. Fair enough. 6 A. -- yeah, I do remember looking at -- at 7 his pictures because he had the red arrow that was 8 pointing to the -- to where the pile was. 9 Q. What pile are you talking about? 10 A. Outside the north door. Outside where -- 11 that stuff right there. 12 Q. Okay. So can you see my screen? 13 A. Yes. 14 Q. All right. Now, this is a photograph from 15 Mr. Howell's photolog, number 8285. And we'll mark 16 this as Exhibit 16. 17 (Whereupon, Exhibit 16 was marked for 18 identification.) 19 BY MR. BEARD: 20 Q. And is it accurate to say, Mr. Oliveaux, 21 that this photograph depicts the wood pile out in 22 front of the 14 foot door on the north side of the 23 Hoog shop? 24 A. Yes. 25 Q. As it existed at the time of the initial</p>	<p style="text-align: right;">141</p> <p>1 photograph and excavate and examine this wood pile, 2 correct? 3 A. Yes. 4 Q. And you didn't do it? 5 A. No, I didn't. 6 Q. And you testified earlier on this morning 7 that you formed at least one of your hypotheses was 8 that the fire originated outside the building, 9 correct? 10 A. Yes. 11 Q. And that you based that on the -- on the 12 spalling of the concrete that was out in front of 13 the door right where this wood pile sat? 14 A. Yes. 15 Q. But even though that was one of your 16 hypotheses, you did nothing to investigate the wood 17 pile itself, correct? 18 A. I didn't photograph it. I don't remember 19 -- I know I went around that end of the building. 20 But like I told you earlier, the -- the process 21 there was we were taking pictures and then Mr. Hoog 22 came. We went to listen to Mr. Hoog and then we 23 start back up. 24 And then after we've interviewed Mr. Hoog, 25 25 minutes or so later, Mr. Hoog comes back and</p>

<p style="text-align: right;">142</p> <p>1 gives us a different story. So we kind of got  2 sidetracked there. So I may have just -- didn't go  3 back to that area.  4 But we -- at that point, we started --  5 they were wanting to collect the refrigerator and  6 that's what we went and did. We wrapped it, you  7 were there, we put it in -- on the -- you know, in  8 Mark's truck. And we had already determined that we  9 were going to have to come back to this location.  10 Q. And what I -- that -- it is true -- well,  11 let me back up. How long did that initial exam last  12 on June 15th, 2018? All day?  13 A. Most of the day. The portion of the day.  14 I don't remember exactly what time we left.  15 Q. So you had every opportunity to look at  16 whatever you wanted to look at, correct?  17 A. Yes. But the other thing was -- is that  18 we were looking at a whole bunch of stuff there.  19 You had an RV that you were -- we were trying to  20 document. We were -- you know, y'all went and took  21 the refrigerator.  22 So we worked to document that and other  23 things related to it. And then we had vehicles, one  24 had just been driven that day. So we ran out of  25 time, which we asked to come back. We made that</p>	<p style="text-align: right;">144</p> <p>1 there on the second visit and the fire scene was not  2 supposed to be changed.  3 Q. When you came back for the second visit  4 and -- and saw that the wood pile had been cleaned  5 up, is that when you formed your hypothesis that the  6 fire must have started on the outside of the  7 building?  8 A. When I formed the hypothesis that the fire  9 started on the outside of the building was during  10 the first exam, because the arc hit is on the  11 outside of the building.  12 Q. Okay. But having formed that hypothesis  13 and the fact that this wood pile was in existence at  14 the time and could have been examined by you, you  15 did nothing to do that, correct?  16 A. I did not examine the pile on that day.  17 Q. Okay. Now, looking again at this  18 photograph, Exhibit 16, this gives a better look, I  19 think, of the distance between the wood pile and the  20 electrical panel?  21 A. To some extent, yes.  22 Q. And would you -- now that you've seen this  23 picture, would you estimate that the electrical  24 panel was more than three feet away from the wood  25 pile?</p>
<p style="text-align: right;">143</p> <p>1 statement very -- before we left that we needed to  2 come back.  3 Q. So now that you've seen this photograph  4 documenting the conditions at the north side of the  5 building, do you withdraw your prior testimony about  6 the scene being spoliated so that you could not  7 examine the wood pile?  8 A. Not completely because here's the thing,  9 we'd already advised you and Mr. Howell that we  10 needed to come back to this, that we were not  11 finished. And, therefore, it should have been  12 preserved.  13 Q. What I'm asking, Mr. Oliveaux, is that you  14 made allegations in your report and during your  15 testimony this morning that at the first scene  16 inspection, this area had been cleaned and had been  17 spoliated because none of this was present.  18 And now that you are changing your  19 testimony that, yes, this was present, are you  20 withdrawing your claims that the scene was spoliated  21 as far as this wood pile goes?  22 A. It wasn't that way when we came back. So,  23 yes.  24 Q. Yes, you are withdrawing it?  25 A. No, I'm not withdrawing it. It was not</p>	<p style="text-align: right;">145</p> <p>1 A. No.  2 Q. Now, in regard to the -- your theory of  3 fire origin, you don't have any idea what ignited  4 the wood pile, correct?  5 A. I do not.  6 Q. You don't have any idea of when in the --  7 well, strike that. Your -- your opinion is that the  8 wood pile caught on fire for some unknown reason and  9 that the fire traveled or the heat from the fire  10 traveled over to the electrical panel, the outside  11 electrical panel, and heated up the outside  12 electrical panel, correct?  13 A. Yes.  14 MR. YAMAGUCHI: Objection -- objection to  15 the form.  16 BY MR. BEARD:  17 Q. Okay. And --  18 THE REPORTER: Sorry, what was that  19 objection?  20 MR. BEARD: It was an objection?  21 MR. YAMAGUCHI: Objection to the form.  22 MR. BEARD: I'm sorry, Keith, I didn't  23 mean to cut you off. Was there an objection?  24 MR. YAMAGUCHI: Yeah, I was just objecting  25 to the form, the use of the word -- saying that Mr.</p>

<p style="text-align: right;">146</p> <p>1 Oliveaux had talked about the fire travelling.  2 MR. BEARD: Okay.  3 BY MR. BEARD:  4 Q. And, Mr. Oliveaux, did you do any testing  5 to determine what amount of heat would be generated  6 in a pile of lumber, the size that we have depicted  7 in Exhibit 16?  8 A. None. Did not.  9 Q. With regard to the electrical panel, the  10 -- that we're looking at in -- in photo 16 or  11 Exhibit 16, the panel at the time of the fire was on  12 the -- on the -- the front cover was on the box,  13 correct?  14 A. Yes. It's turned around. It should be  15 180 degrees of where it's at now.  16 Q. Okay.  17 A. It's based -- so that's the inside of the  18 panel, the cover that you see.  19 Q. Okay. So the outside electrical panel was  20 enclosed at the time of the fire?  21 A. Yes.  22 Q. And have you done any testing or analysis  23 to determine how hot the electrical box, the outside  24 panel would have to get in order to compromise the  25 insulation around the feed wires inside the box?</p>	<p style="text-align: right;">148</p> <p>1 particular -- how hot this particular panel would  2 have to get in order to compromise the insulation in  3 this particular case?  4 A. Well, with the damage to the insulation on  5 the wiring and the -- and the arc, you know that it  6 has to have exceeded the melting temperature of the  7 insulation on the conductor.  8 Q. But do you know how -- what that  9 temperature would be?  10 A. I've told you twice now I think it's north  11 of 380 degrees.  12 Q. And how hot would the -- the heat from the  13 fire and the wood pile have to get to travel through  14 air and heat up the electrical panel to the point  15 where it would compromise the insulation on the  16 inside? Have you done any workup on that?  17 MR. YAMAGUCHI: Object to the form and  18 lack of foundation.  19 THE DEPONENT: You want to repeat your  20 question?  21 BY MR. BEARD:  22 Q. Sure. Have you done any analysis or  23 calculation of how hot the fire would have to be  24 from the wood pile in order to convey heat across  25 the three foot air gap and heat up the panel of the</p>
<p style="text-align: right;">147</p> <p>1 A. The melting temperature of that  2 conductor's insulation is a little north of 380  3 degrees. So you have to get to north of 380  4 degrees. And now there's a little variable in there  5 based on the wire size, because the -- the wire size  6 is going to affect the thickness on those  7 conductors.  8 That's 350 cable. So, have to go back to  9 the book, but I want to say it's around an eighth or  10 a little better thick, but I -- that's top of my  11 head. I'm not going to swear to that number.  12 But there -- there's -- there's a standard  13 for what the insulation should be and that  14 insulation softens and flows at north of 300  15 degrees, 380 degrees, I think it is.  16 Q. And what reference are you relying on for  17 that?  18 A. That is listed in the ignition handbook  19 somewhere. That is listed in 921, I believe. But  20 the -- the insulation is a polyvinyl chloride  21 insulation and it's got a, like I say, melting  22 temperature. The only thing that varies on it is  23 the thickness of the -- of the insulation based on  24 the size of the wire.  25 Q. So have you done any analysis about this</p>	<p style="text-align: right;">149</p> <p>1 outside electrical service to the point where it  2 compromised the insulation on the inside?  3 MR. YAMAGUCHI: Same objection.  4 THE DEPONENT: The --  5 BY MR. BEARD:  6 Q. Mr. Oliveaux, the question is just, have  7 you done any kind of calculation or analysis? Yes  8 or no?  9 A. I did -- I did an analysis of what I could  10 see in the first set of pictures when I saw it from  11 the fire department pictures of what I believe the  12 amount of material was in that location.  13 After that, it's more of a thought process  14 test in terms of we estimate how many BTUs you get  15 from each of those dimensional pieces of lumber and  16 their proximity to each other to get some kind of  17 estimate of BTU output.  18 This would not be a huge pile based on the  19 way it looked stacked. When I saw the picture from  20 the fire department, it was not tightly together, so  21 it would have some space and it would lose some  22 heat.  23 The question is also going to be, as I  24 don't remember off the top of my head the wind  25 direction that day. I've got the weather report,</p>

<p style="text-align: right;">190</p> <p>1 last sentence of the determination of fire -- can we  2 put it back? The determination of fire cause.  3 BY MR. BEARD:  4 Q. Okay.  5 A. I'm sorry, origin. That the fire -- the  6 fire then involved the insulation on the electrical  7 wiring in the electrical distribution panel before  8 exiting the panel to involve other fuel loads  9 associated with the contents and components of the  10 building.  11 That is a metal building, which means that  12 it's going to absorb heat. It's going to transfer  13 heat through conduction to other things, including  14 the internal panel, the door, the insulation on the  15 backside of the rollup door.  16 All of those things are going to be heated  17 through heat transfer from conduction and radiated  18 heat. The radiated heat's going to come from the  19 pile burning outside. It's going to impart heat  20 onto that metal.  21 And it's going to spread to fuels inside  22 that are combustible, like the framing around the --  23 the electrical panel, the -- the insulating panels  24 on the inside of the door. And then it's just going  25 to go from there, burning more and more fuel.</p>	<p style="text-align: right;">192</p> <p>1 there to other areas.  2 Q. Well, in regard to the idea of the -- the  3 -- the arc happening and then heat being transmitted  4 from the exterior panel to the interior panel due to  5 the smoldering of the insulation, how long would  6 that have taken to transmit a significant amount of  7 heat to the interior panel?  8 MR. YAMAGUCHI: Objection to the form.  9 THE DEPONENT: So you -- you're saying  10 that the only heat source I'm supposed to be  11 considering now is the smoldering of the insulation  12 or am I considering all of the heat sources present?  13 BY MR. BEARD:  14 Q. Now, Mr. Oliveaux, all the heat sources  15 present, how long would it have taken for a  16 significant amount of heat to be transmitted to the  17 interior electrical panel?  18 A. It depends on which of the -- which fuel  19 ignited first. If you ignite the panels on the  20 inside of the door, you are going to then involve  21 the items on the west wall of the building. And  22 you're also going to involve the wood structure  23 around the electrical panel.  24 Q. All right. I'm not talking about --  25 A. So, I'm -- I'm --</p>
<p style="text-align: right;">191</p> <p>1 Q. Well, all of that scenario that you just  2 discussed, you've not done any testing to determine  3 whether that in fact happened in the Hoog case,  4 correct?  5 A. I tested my hypothesis as to origin and  6 the spread. And the totality of the evidence says  7 that that fire can only start outside the building.  8 That testing cannot -- you cannot have the  9 electrical events that -- you know, we don't have  10 any electrical events except for one.  11 And we know that the interior finish in  12 this area is combustible. And we know that because  13 we have pictures of Mr. Hoog's building before it  14 burned. So the transfer of heat is a simple thing.  15 You don't have to -- if -- if you have a -  16 - if you've got wood burning within three feet of  17 that door, or that metal building, you're going to  18 have heat flux on that metal component. And that  19 metal component is going to get warm.  20 And that metal component is going to start  21 spreading that heat throughout its whole area. And  22 it's going to continue to rise as long as you've got  23 stuff burning outside in the videos. And the  24 photographs from the fire department show that it  25 burned for a period of time. And it spread from</p>	<p style="text-align: right;">193</p> <p>1 Q. -- I'm not talking about the alternate --  2 the -- the alternate idea of -- of the door catching  3 on fire. I just want to limit it to the fire path  4 that you have described in your report, which is the  5 heat going from the exterior electrical box to the  6 interior electrical box.  7 How long would that have taken for a  8 significant amount of heat to end up in the interior  9 electrical box?  10 A. And --  11 MR. YAMAGUCHI: Objection to the form.  12 THE DEPONENT: -- you also misstated my  13 opinion because you keep taking out the components  14 of the building, which are metal, which transfer  15 heat readily. When you put heat in it, it's going  16 to transfer the heat. That's called conduction.  17 The radiant heat from the fire is going to  18 -- from the fire burning outside is going to heat  19 that metal. So, you keep trying to take parts of my  20 opinion and throw them out, and you cannot because  21 they are congruent with each other.  22 They are tied to each other. Because all  23 of those panels, those electrical panels that you're  24 talking about or that we've been talking about,  25 that's got the arc on it that we know it had to get</p>

<p style="text-align: right;">194</p> <p>1 that hot to melt the insulation and all of that  2 continued to be heated by the external fire.  3 And it's going to spread into the other  4 components of the building that it is in contact  5 with. And it's going to still have radiant heat  6 being applied to those spaces that are now getting  7 heat from down low and from this fire burning  8 against that -- up against that building.  9 BY MR. BEARD:  10 Q. Have you done any testing --  11 A. That is -- that is illustrated by the  12 patterns above the panel box. It goes up -- fire  13 spreading up from the ground over by and across that  14 panel.  15 Q. Have you done any testing to determine how  16 long it would take? Well, let me back up. Once the  17 heat gets into the electrical panel on the inside of  18 the shop, how did the heat spread outside of that  19 distribution panel?  20 A. You've got holes in the top of it where  21 the conduit or where the conductors go out. And  22 inside that panel, you have a different type of  23 insulation that will burn on those smaller  24 conductors.  25 So when you get the heat in there and you</p>	<p style="text-align: right;">196</p> <p>1 they will -- they -- they degrade and they produce a  2 little bit of heat, but they're not the biggest fuel  3 load.  4 Q. And how much -- how hot would -- assuming  5 that -- that the wires on the insulation on the  6 inside of the distribution panel melted, what kind  7 -- how hot would the fire be that was -- that was --  8 that was generated by that fact?  9 A. To melt copper you have to have 1,982  10 degrees for a sustained period of at least a minute.  11 Q. Well, the copper didn't burn. The  12 insulation burned, right?  13 A. Correct.  14 Q. Okay. So the insulation, how hot would  15 the copper be --  16 A. But you asked something about melting the  17 copper -- you said melting the copper. That's what  18 I just -- that's what I answered.  19 Q. No, I -- I didn't say melting the copper.  20 I said melting the insulation. We know the -- your  21 -- your scenario is that sufficient heat got into  22 the electrical box distribution panel inside the  23 shop to cause the insulation around the wires inside  24 the distribution box to degrade and catch on fire,  25 correct?</p>
<p style="text-align: right;">195</p> <p>1 ignite those circuits, you now have a vertical fuel  2 source where with that vertical fuel source, you now  3 have a -- a heat source below it.  4 So it is going to not only burn the  5 bottom, but the bottom is going to continue to  6 generate heat. And you're going to basically have  7 fire going up that panel, inside that panel.  8 Q. How much heat is necessary to ignite the  9 wires inside the distribution panel inside the Hoog  10 shop?  11 A. They -- the -- the ones in that size would  12 be about 300 degrees is when that material starts to  13 melt and flow. And if you continue to heat it it'll  14 start to off- gas and then it will ignite. The  15 exact temperature is not something that I have  16 stored in my head. I know what the melting is and  17 it's like 280 something. So I just used the number  18 300.  19 Q. What's the fuel load inside the  20 distribution panel?  21 A. Fuel load inside the distribution panel is  22 the combined amount of PVC or polyvinyl chloride  23 insulation on the wiring, and to some extent, some  24 components of the breakers. Because they will heat  25 and produce a little bit of -- once they get hot,</p>	<p style="text-align: right;">197</p> <p>1 A. That's -- that's one of the fire spreads.  2 Yes.  3 Q. Okay. And what I'm asking is what -- how  4 hot would that fire be and how big would that fire  5 be considering the number of wires that were in the  6 Hoog box? Have you done any analysis or testing to  7 determine what that would be?  8 A. Your -- the heat required is going to be  9 percent -- some percentage greater than the melting  10 temperature of the material on which -- the PVC  11 material. Once you get it soft and it starts to  12 off-gas, which is what every solid does, it off-  13 gases, that's what is ignited.  14 The -- the solid does not burn, the gas  15 off of it burns. The liquid does not burn, the gas  16 off of the liquid burns as it is heated and -- and  17 you get a phase change.  18 So that's what's burning. And you have a  19 heat source of a fire burning outside, and you have  20 a heat source of the building that is absorbing that  21 heat and that's transferring into the panel.  22 So what does the temperature have to be?  23 I don't know exactly because I don't know the total  24 amount of weight that you have in insulation.  25 Q. Okay. And you haven't done any kind of</p>

<p style="text-align: right;">246</p> <p>1 is a sealed system that is pressurized because  2 without the water, there's nothing there.  3 You -- you cannot take the liquid ammonia  4 and just the -- the little bit of hydrogen gas  5 that's in there. You -- you cannot build that  6 pressure with that limited amount of material or of  7 gas.  8 Q. And how do you know that?  9 A. That's been discussed -- I mean, you --  10 you have a volume there that it cannot -- it's  11 already a gas. So if you -- if you've got something  12 left, if the water's gone out, you -- the only thing  13 for you to expand is the water. The liquid ammonia  14 is -- is in there, but it's going out with the water  15 if you have a breach.  16 And if you have that breach and you've  17 lost all the water, you're not going to create that  18 fish-mouth rupture.  19 Q. Is it your testimony that it is impossible  20 to have a boiler tube leak and a overpressure  21 situation at the same time?  22 MR. YAMAGUCHI: Objection to the form.  23 THE DEPONENT: You have to have a very  24 small leak. And in this case, we tested the cooling  25 unit at AEGI to 100 PSI and it lost 5 PSI over an</p>	<p style="text-align: right;">248</p> <p>1 All of these declarative, factual-sounding  2 statements. And we've established that you don't  3 have the experience and expertise and training to --  4 to -- to opine on that. So I want to know where  5 this information is coming from.  6 A. Are -- are you saying that I don't have  7 the training, education, and experience to testify  8 that you have to have something to expand to  9 generate pressure?  10 Q. No, I'm talking about the -- the  11 particular opinions that you have -- the particular  12 -- particular statements that you're making in this  13 section about how the gas absorption refrigerator  14 cooling unit operates and -- and how it fails.  15 And under what circumstances you get an  16 overpressure rupture, and whether you could have an  17 overpressure rupture and a boiler tube leak at the  18 same time. You make a number of declarative  19 statements of fact in this section and I would want  20 to know where those come from.  21 MR. YAMAGUCHI: I'm going to object --  22 BY MR. BEARD:  23 Q. Are they just -- are -- are they -- they  24 based on just general -- general background and  25 experience that -- that you have in investigating</p>
<p style="text-align: right;">247</p> <p>1 hour. So that is a minuscule leak. And you're --  2 you're not losing that kind of pressure out of there  3 or you're not -- I mean, it's -- this refrigerator's  4 -- and that's after the fire that you find this  5 small leak.  6 So question is, is which one came first?  7 And you've got to figure out that scenario because  8 we know it's an intact cooling unit if Mr. Hoog says  9 he's been using it. He never reported that it wasn't  10 cooling. So he had an intact cooling unit.  11 Now, you have a popped dimple and you have  12 a fish-mouth rupture and you have a very small hole  13 in the bottom of that refrigerator. So which one  14 comes first?  15 BY MR. BEARD:  16 Q. Well, do you have any experience,  17 training, or expertise to make that call yourself?  18 A. It's not a call that just -- you know, I  19 mean, this is in consultation with other experts.  20 Q. Well, I'm asking about -- about you and  21 your report, Mr. Oliveaux. Now, you've made a  22 series of declarative statements in this section  23 about how the cooling units work, how overpressure  24 works, how you -- you have to have a -- a leak of a  25 certain size.</p>	<p style="text-align: right;">249</p> <p>1 fires involving Dometic gas absorption  2 refrigerators?  3 MR. YAMAGUCHI: Objection to the form.  4 And -- and I would request rather than this broad  5 brush stroke, since there -- there's a full page of  6 information here, if you have specific questions  7 about the background from which he's referring to  8 certain statements, you should just break it down.  9 MR. BEARD: Okay.  10 BY MR. BEARD:  11 Q. Let's go to page 32 of your report. Oh.  12 Hold on a second. I forget I went blank here.  13 Let's go to page 32, the first full  14 paragraph.  15 Well, up above, the last sentence,  16 "Between 1,000 and 1,200 degrees Fahrenheit, the  17 steel loses approximately 50 percent of its  18 strength. This increased heat also continues to  19 increase the pressure inside the vessel." Where did  20 that come from?  21 A. Came from one of the experts in -- that's  22 been retained in prior cases.  23 Q. Who?  24 A. Ms. Gayliss, and I believe that Mr. Baron  25 has -- in his reports in the past that I've read</p>

<p style="text-align: right;">250</p> <p>1 indicate the softening of steel. This is something  2 that's known commodity. I mean, it -- it -- you  3 have to raise the temperature of the steel to cause  4 it to lose its strength.  5 Q. So this is a regurgitation of what  6 somebody else has said?  7 MR. YAMAGUCHI: Objection to the form.  8 THE DEPONENT: It is statements given to  9 me by experts in the field that state that these  10 parameters are correct.  11 BY MR. BEARD:  12 Q. Okay. But you don't know -- you don't  13 have the experience or training or education to  14 opine or make these statements yourself, correct?  15 These are statements coming from other people?  16 A. These are statements of other experts that  17 are work -- that have -- that are working with me.  18 So --  19 Q. Why -- why is this section in your report  20 if these are just statements from other experts?  21 A. It is -- it is to explain what has to  22 happen for an overpressure rupture or ignition to  23 occur. And when it comes to the ignition part, yes,  24 I'm very qualified to make those statements. And  25 when it comes to the refrigerators, you've been</p>	<p style="text-align: right;">252</p> <p>1 operates in 400, 450 degrees at the boiler tube?  2 A. As long as it's in a level condition, yes.  3 Q. All right. And the -- well, is there any  4 question that the inside of the Hoog shop was  5 leveled?  6 A. No, there's -- there's no question about  7 them. I'm just saying that you -- you made a  8 statement that it operates in that -- that  9 temperature range. And my answer was as long as  10 it's level, it's -- it should operate in that  11 temperature.  12 Q. Okay. And it also operates at 350, 400  13 PSI under normal operation, correct?  14 A. Yeah.  15 MR. YAMAGUCHI: Counsel, I'm just going to  16 interject, 15 minutes and then we're finished.  17 BY MR. BEARD:  18 Q. And with regard to the -- with regard to  19 the -- with regard to the -- let me see.  20 MR. BEARD: Keith, you made me lose my  21 train of thought.  22 MR. YAMAGUCHI: Well, apologies. I just  23 didn't want to give you a late notice. We're  24 approaching 5:00 P.M.  25 MR. BEARD: Well, Mr. Court Reporter, what</p>
<p style="text-align: right;">251</p> <p>1 there many times to watch those, and I've taken part  2 in those and discussed these details with people who  3 are more than qualified. And I just told you who  4 they are.  5 Q. Okay. But the opinion -- well, let me  6 back up.  7 A. So it's a statement --  8 Q. If this -- is -- is this section included  9 in your report to support opinions about whether or  10 not there was a leak in the Hoog refrigerator boiler  11 tube?  12 A. Is it to support that there was a hole or  13 not a hole?  14 Q. That -- that -- let me -- let me back up.  15 Let me ask it a different way. Do you agree that  16 there was a boiler tube leak in the Hoog  17 refrigerator?  18 A. We lost five PSI, so yes, it's losing some  19 -- it is losing that we checked -- I mean, when we  20 do those tests, we leak test every connection and  21 all of that, and we found a -- a loss of five PSI in  22 an hour.  23 Q. All right. And you agree your -- your  24 understanding of the way that the system works, the  25 refrigerator under normal operating conditions</p>	<p style="text-align: right;">253</p> <p>1 are we on time -- elapsed time?  2 THE REPORTER: Almost six and a half  3 hours.  4 MR. BEARD: Okay.  5 BY MR. BEARD:  6 Q. With regard to the -- you had an opinion  7 as to whether or not the -- the -- the leak in the  8 Hoog boiler tube was sufficient to cause a fire.  9 A. I would -- I would refer you to Mr. Baron  10 or Dr. Baron's for those things. He's the one that  11 analyzed and states his findings related to  12 metallurgical issues.  13 Q. Okay. So you don't have an opinion on  14 that?  15 A. It's -- that -- that's his part of this  16 investigation.  17 Q. In regard to the idea of a boiler tube  18 fire -- fire, a -- a -- a refrigerator having a  19 boiler tube fire that causes a high rupture at the  20 condenser, you've seen that in the past, correct?  21 A. Yes.  22 Q. And that's not -- that's not in fact an  23 uncommon thing to have a boiler tube fire and a high  24 rupture at the same time. Correct?  25 A. It is not -- no, that -- that's not</p>

<p style="text-align: right;">254</p> <p>1 uncommon. We -- we find the blowouts up in the top  2 part of the cooling unit when it's clear that  3 they've been attacked, but you still will find a  4 small rupture, occasionally, in the boiler area.  5 We've -- we've cut them out and they wound  6 up at Pete's on a regular basis after finding a  7 pressurized blowout. And one of those -- the -- the  8 big thing you have to remember is that the pressure  9 inside that refrigerator is equal throughout the  10 cooling unit.  11 So if you have enough pressure to blow it  12 out at the top and enough heat, why would you not  13 have the possibility of having things fail within a  14 certain pressure range of each other? So the --  15 that though is for Dr. Baron to discuss. You asked  16 me a question, I -- I have seen it. I've seen it  17 multiple times.  18 Matter of fact, I saw it last week. We  19 have a pressurized blowout in the rectifier area.  20 And then we have a crack in the area going outside  21 of the absorption -- or outside of the absorber  22 vessel that feeds the -- the perk tube.  23 And then we found a small leak between the  24 heater pockets on that model refrigerator. That was  25 -- that was at Norcold but --</p>	<p style="text-align: right;">256</p> <p>1 MR. YAMAGUCHI: Objection to the form.  2 Lack of foundation.  3 BY MR. BEARD:  4 Q. -- if you have one?  5 A. I would refer you to Dr. Baron for that.  6 Q. Okay. And the -- as a fire investigator,  7 fire origin and cause investigator, what's your  8 explanation for the fact that there is a crack in  9 the Hoog boiler tube -- a rupture above the boiler  10 tube and yet the fuse plug on the other side of the  11 cooling unit did not deploy?  12 MR. YAMAGUCHI: Object to the form, lack  13 of foundation.  14 THE DEPONENT: The thermal layer of the  15 building and the fire attacking the top of the RV  16 and then burning downward, you're heating the top of  17 the cooling unit. So, therefore, you are also  18 imparting heat where the -- onto that cooling unit,  19 which now spreads throughout it through conduction.  20 So when you start heating the cooling  21 unit, the pressure's going to go up because it's  22 gasifying the water. That's the reason why you get  23 the overpressure in this condition.  24 BY MR. BEARD:  25 Q. But how is it that you could have this</p>
<p style="text-align: right;">255</p> <p>1 Q. Okay.  2 A. -- we found multiple holes. So it's not  3 uncommon that we do find that when they have been  4 exposed to a fire and had not vented. And in this  5 case, this one did not vent, so it blew out and it's  6 attacked by a high fire.  7 Q. Well, it's your opinion that -- that the  8 damage to -- or the -- the higher rupture was a  9 result of an attacking fire from somewhere other  10 than the boiler tube in the refrigerator?  11 A. Yes. It's coming from that thermal layer  12 that is coming down onto the bus and descending  13 toward the floor. And you -- you start involving the  14 bus around it once you've already got the thermal  15 layers going.  16 You're -- you're imparting no telling how  17 much heat on this thing, because think -- I mean,  18 you've now involved the bus and you already have  19 this great thermal layer above you that is imparting  20 all kind of radiant heat. And you're starting to  21 drop that level when you start burning other fuels.  22 Q. What is your explanation for the presence  23 of corrosion on the inside of the boiler tube of the  24 refrigerator, the crack in the -- inside out crack  25 in the boiler tube --</p>	<p style="text-align: right;">257</p> <p>1 fire banging down from the roof and setting the RV  2 on fire and the only damage to the cooling unit is  3 on the boiler side, not the fuse plug side?  4 A. Because the refrigerator, the fuse plug  5 goes into the absorber tank and until you get the  6 heat inside there, you're not going to melt it out.  7 And once it vents, once you get that overpressure  8 rupture, you no longer have the force behind that.  9 You're -- you're now at zero. Once you dump the --  10 the condenser area when -- when it ruptures, you  11 drop the pressure.  12 Because what you're doing to get that  13 thing to come out is you're softening that solder  14 plug and you have to soften it all the way through  15 to get and allow the pressure to blow it out.  16 And in this case, all it did was it had  17 some melting on the outside, but you -- you still  18 don't have the pressure to force it out.  19 Q. So the fuse plug, is it not the case the  20 fuse plug blows out at around 270 degrees  21 Fahrenheit?  22 A. It -- it --  23 MR. YAMAGUCHI: Objection to the form.  24 THE DEPONENT: The -- it's somewhere  25 between 270 and 300. Yes. And -- but that is --</p>